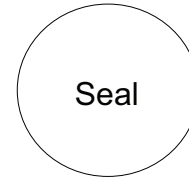


Judicial Review Claim Form

In the High Court of Justice
Administrative Court

Notes for guidance are available which explain how to complete the judicial review claim form. Please read them carefully before you complete the form.

For Court use only	
Administrative Court Reference No.	
Date filed	



SECTION 1 Details of the claimant(s) and defendant(s)

Claimant(s) name and address(es)

name Andrew James Jamieson Hall	
address Bramble Croft Grindleton Clitheroe Lancashire BB7 4RL	
Telephone no. 07532 384913	Fax no.
E-mail address andrew.hall2@btconnect.com	

Claimant's or claimant's solicitors' address to which documents should be sent.

name	
address	
Telephone no.	Fax no.
E-mail address	

Claimant's Counsel's details

name	
address	
Telephone no.	Fax no.
E-mail address	

1st Defendant

name Comptroller-General of Patents, Designs & Trade Marks	
Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.	
name Treasury Solicitor	
address 1 Kemble Street London WC2B 4TS	
Telephone no.	Fax no.
E-mail address Andrew.Prior@TSOL.GSI.GOV.UK	

2nd Defendant

name Her Majesty's Revenue & Customs	
Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.	
name Ms. Paula Ruffell	
address Business & Property Taxes Litigation HMRC Solicitor's Office South West Bush 2nd Floor, Bush House Strand, London WC2B 4RD	
Telephone no. 020 7438 6055	Fax no. 020 7438 7367
E-mail address paula.ruffell@hmrc.gsi.gov.uk	

see attached sheet for 3rd
Defendant and 4th Defendant.

Third Defendant

name The Attorney General

Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.

name The Attorney General

address 20 Victoria Street London SW1H 0NF
--

Telephone no. 0207 271 2502	Fax no.
---------------------------------------	----------------

E-mail address Peter.Fish@attorneygeneral.gsi.gov.uk
--

Fourth Defendant

name The Information Commissioner

Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.

name The Information Commissioner

address The Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire, SK9 5AF.

Telephone no. 01625 545 700	Fax no. 01625 524 510
---------------------------------------	---------------------------------

E-mail address Jane.Dawson@ico.gsi.gov.uk

SECTION 2 Details of other interested parties

Include name and address and, if appropriate, details of DX, telephone or fax numbers and e-mail

name		name	
address		address	
Telephone no.	Fax no.	Telephone no.	Fax no.
E-mail address		E-mail address	

SECTION 3 Details of the decision to be judicially reviewed

Decision:

Date of decision:

Name and address of the court, tribunal, person or body who made the decision to be reviewed.

name	address
-------------	----------------

SECTION 4 Permission to proceed with a claim for judicial review

I am seeking permission to proceed with my claim for Judicial Review.

Is this application being made under the terms of Section 18 Practice Direction 54 (Challenging removal)?

☐ Yes ☐ No

Are you making any other applications? If Yes, complete Section 7.

☐ Yes ☐ No

Is the claimant in receipt of a Community Legal Service Fund (CLSF) certificate?

☐ Yes ☐ No

Are you claiming exceptional urgency, or do you need this application determined within a certain time scale? If Yes, complete Form N463 and file this with your application.

☐ Yes ☐ No

Have you complied with the pre-action protocol? If No, give reasons for non-compliance in the space below.

☐ Yes ☐ No

SECTION 3 Details of the decision to be judicially reviewed

Decisions:

- (1) The Fourth Defendant's Decision on Review on 04-09-09 in which he declared as follows in respect of his earlier Investigation (commenced on 23-02-09) and of his Decision thereupon of 20-06-09:

"I am satisfied that Mr Flack conducted a thorough investigation into the alleged Section 77 offence and was unable to gather sufficient evidence to prove, beyond reasonable doubt, the intention of any member of the IPO [First Defendant] to alter, erase, destroy or conceal desk notes [“section instructions”] requested by you in accordance with section 1 of the Freedom of Information Act 2000. As such, the investigation was closed and remains so. Please take this letter as our final response. We will not review this case again.”

Details

- a. The Fourth Defendant's Decisions of 04-09-09 (final), 20-07-09 and 22-06-09 were issued in respect of the Claimant's allegations that the First Defendant fraudulently substituted and deceitfully disclosed to the Claimant on 02-09-08 an altered set of Patent Office Register Administration Section Instructions (“Desk Notes”) in breach of s.77 Freedom of Information Act 2000 in order to cover up institutional Stamp Duty fraud and falsification of the Register by the First Defendant;
- b. This case is seriously prejudiced by the fact that the Fourth Defendant has been discovered by the Claimant to have procured and concealed the central evidence of breach of s.77 in order to protect the First Defendant from prosecution thereunder;
- c. This case is also seriously prejudiced by the fact that the Second Defendant knew all along that the First Defendant was registering transactions effected on or after 28-03-00 in defiance of s.14 and s.17 Stamp Act 1891 and will not therefore take the necessary action against the First Defendant on account of such complicity, which both the First and Second Defendants tried to conceal by denying the existence of communications between them which have since been exposed by the Claimant and exhibited hereto;
- d. All efforts by the Claimant to establish the date upon which the First Defendant altered a set of section instructions (in the form of a Word Document of the file name Pat Ass DN Ver3.doc) have been obstructed by the First and Fourth Defendants, both of whom have the Word Document and the wherewithal to disclose the true date of alteration;
- e. When serving Notice of intention to apply for Judicial Review on 10-11-09, the Claimant made yet another clear request under the Freedom of Information Act 2000 for the First Defendant to disclose the date upon which Pat Ass DN Ver3.doc was altered to create an opposite instruction at s.2.02(5) and give the impression that Patent Office staff were instructed to

inspect, as opposed to “ignore”, all documents filed for registration with “properly completed and signed” Patents Forms 21/77);

- f. The First Defendant has decided to ignore the Claimant’s request of 10-11-09, and is therefore yet again concealing the Information (the date upon which Pat Ass DN Ver3.doc was altered) in breach of s.77 Freedom of Information Act 2000, having defied all previous requests for the information and for the true section instructions as at 01-08-07;
- g. The Fourth Defendant also refused to disclose the date of alteration when asked to do so under the Freedom of Information Act 2000, falsely claiming on 01-09-09 – in defiance of clear evidence to the contrary - that a pdf document, Pat Ass DN Ver3.pdf, which he had substituted for the concealed Word Document to avoid full disclosure on 27-05-09, was an electronic copy of the Word Document he was discovered on 17-07-09 to have had in his possession since 20-05-09, falsely claiming that disclosure of the requested Information had already been made, and withholding the Word Document (and therefore the date upon which it was altered) by making the excuse that the he, rather than the Claimant, had the right to choose what electronic format to use. However, the Claimant had clearly requested of the Fourth Defendant the alteration date, having already been fobbed off with a printed copy of the Word Document bearing a false creation date (01-08-07) and a pdf copy of a different Word Document (created on 02-09-08 and bearing the front page date of 01-08-07);
- h. The Claimant contends that he cannot possibly get a fair hearing from the Fourth Defendant and that it is unjust and unfair that he should remain trapped in a corrupted system of bogus decision-making;
- i. For this reason, the Claimant contends that he has exhausted all possible avenues and is in need of an honourable Court’s intervention and independent assessment of this situation;
- j. The Claimant therefore seeks Judicial Review of the Fourth Defendant’s Decision that it was not possible to procure the necessary evidence to establish breach of s.77 Freedom of Information Act 2000 and to simultaneously deal with the unfinished business of the First Defendant’s Decision in November 2009 not to disclose the requested information rather than take the view that the Claimant should go back through the corrupt system yet again and only then apply for Judicial Review.
- k. The Fourth Defendant’s Decisions and the First Defendant’s Decisions to conceal and withhold clearly identified and requested information relate to the Claimant’s allegation that the First Defendant altered set of section instructions prior to disclosure in an attempt to cover up serious fraud – in particular, the falsification of the Register of Patents by deliberate acts in breach of s.14 Stamp Act 1891, the Patents Act 1977, and the Patents Rules 1995 on 20-09-04; (the Claimant has discovered that the First Defendant hid a mutilated copy of an unstamped sale agreement presenting no evidence of assignment of the Patent GB2267412 so that it would not get in the way of registering a new customer and jeopardise the First Defendant’s income from annual registration renewal fees – fees which the First Defendant is in the process of increasing substantially in

respect of older patents, i.e. patents which, according to the Claimant's evidence, were subject to similarly fraudulent registration practices, without the customer's knowledge);

- l. The Claimant had discovered, after four and half years of dispute, that the First Defendant had long-established unlawful register administration procedures and had perversely and deceitfully procured and made changes to what were once robust, protective Patents Rules and procedures in order to avoid complying with his statutory duties under the Stamp Act 1891, Patents Act 1977, and Patents Rules, to inspect documentary evidence of transfer of patents before making any entry on his Register of Patents;
- m. The result of these changes was an unlawful practice requiring Patent Office Register Administration Staff to register changes of proprietorship of patents whilst pretending that they had not received supporting documentary evidence in cases where that documentary evidence appeared to be unstamped and/or otherwise defective. This meant that staff would have to make it appear that only a Patents Form 21/77 was filed by the applicant and that they (staff) had understood the filed Patents Form 21/77 to have been "properly completed and signed" for registration without supporting documentary evidence;
- n. The Claimant is a victim of such unlawful and covered-up practice and has been deprived of his property, deprived of fair hearings, and prevented from recovering over £625,000 in unpaid royalties;
- o. A patent which the Claimant created – GB2267412 - was subject to registration of a fictitious assignment on 20-09-04 (other bogus registrations of intellectual property created by the Claimant followed on 24-09-04 and 27-09-04);
- p. **The Claimant contends that** the consequences of discovery that Pat Ass DN Ver3.doc was altered at s.2.02(5) after the request for disclosure was made are very serious indeed and that the Fourth Defendant and the First Defendant have been fully aware of this;
- q. **The Claimant contends that** the allegations can be proved or quashed by simple inspection of evidence held by the First and Fourth Defendants and yet neither of them will submit Pat Ass DN Ver3.doc to independent forensic examination to extract the date upon which its was altered by the First Defendant;
- r. The Claimant looks to this honourable Court to look at the whole truth and issue a Decision as to whether there was sufficient evidence available to the Fourth Defendant to prove beyond reasonable doubt that the First Defendant had concealed from the Claimant the fact that "standard procedure" as at 01-08-07 was to ignore documentary evidence accompanying properly completed and signed Patents Forms 21/77 and that the First Defendant had achieved this concealment by disclosing altered section instructions pursuant to his claim that no changes had been made in recent years.

- (2) The First Defendant's Decision in November 2009 to ignore the Claimant's request for Information under the Freedom of Information Act 2000 of 10-11-09;
- a. **The Claimant contends that** the system for dealing with such defiance of the Freedom of Information Act 2000 is corrupt, has already dealt unlawfully with the same matter being ignored yet again by the First Defendant, and will not deliver a fair hearing;
 - b. **The Claimant contends that** Judicial Review is the appropriate forum for dealing with this matter;
 - c. **The Claimant contends that** he has been obstructed for over two years in his efforts to procure Patent Office section instructions, and having eventually procured a set of section instructions bearing the date 01-08-07 which confirmed certain of the First Defendant's claims in his 12-11-07 Decision on review of Patent Office register administration staff training, procedure and practice (a Decision which has since been proved to contain false claims for the purposes of covering up instructed fraud) the claimant contends that he is entitled to know if and when those section instructions, as altered at s.2.02(5), were put in to practice;
 - d. **The Claimant contends that** without a true date for the introduction of the altered section instructions into practice, there is no whole truth;
 - e. **The Claimant contends that** the date of alteration of the disclosed section instructions is highly relevant to the First Defendant's claim of 18-10-07 that no changes had been made to practice in recent years (which would be true if the section instructions were altered after 18-10-07);
 - f. **The Claimant contends that** the date of alteration of the disclosed section instructions is highly relevant to the First Defendant's claims in his Decision of 12-11-07 wherein he claimed standard procedure, past and present, to include a procedure to inspect all documents filed for registration (which is proved to be untrue);
 - g. **The Claimant contends that** as the First Defendant claimed in his Decision of 12-11-07 that section instructions confirmed what he claimed and has since spent two years obstructing disclosure, there is every reason to suspect that section instructions were altered in order to make it appear that the claims in the Decision of 12-11-07 were true;
 - h. **The Claimant contends that** more recently discovered documentary evidence proves that an opposite procedure to that claimed on 12-11-07 prevailed from 24-12-98 to at least 16-08-07 and appears in two versions of 01-08-07 section instructions discovered by the Fourth Defendant at the Patent Office on 20-05-09;
 - i. **The Claimant contends that the** First Defendant's claims of 18-10-07, 12-1-07 are incompatible with the Fourth Defendant's claims in his Decision of 22-06-09 as the discovered section instructions exhibit changes and these conflict with the First Defendant's claims of 18-10-07 and 12-11-07;

- j. The Claimant seeks a Judicial Review of the First Defendant's Decision to continue to prevent the truth from being exposed and respectfully requests that the matters of the unlawful registration practices which the First Defendant is trying to cover up be subject to Judicial Review also;
- k. **The Claimant contends that** he has been seriously and unlawfully prejudiced and obstructed by the First Defendant in his efforts to recover his entitlements and property over the past five years and that it was not possible to submit an application for Judicial Review until sufficient evidence had been exposed to counter the false claims upon which all previous Decisions by the Defendants have been based;
- l. The recent Decisions of the Second and Third Defendants are detailed hereafter below, suffice it to say that the Claimant seeks Judicial Review of the First Defendant's Decisions to alter registration procedure on 24-12-1998, amend the Patents Rules 1995 on 22-12-1999, alter registration procedure on 28-03-00, falsify the Register of Patents on 20-09-04, reject the Claimant's objection to registration of 24-09-04 and thereupon consider whether such matters prejudiced the First Defendant's Decisions thereafter, such as his Decision to decline to deal with entitlement proceedings *, his Decisions not to correct the Register of Patents and Register of Designs *, his Decision to abort a review by senior officer of his first Decision not to correct the Registers *, his Decision not to deal with the rectification of the Trade Marks Register (claiming that he did not understand matters of Stamp Duty, Assignments or agreements) *, his Decision to ignore the evidence of false registration of change of proprietorship of the Patent GB2267412 and to ignore s.33(4) Patents Act 1997 and the recorded evidence of the Claimant's ownership of the Patent, deny the Claimant the right to amend the Patent under s.75 Patents Act 1977, and revoke said Patent on application of the falsely-registered proprietor who, together with the person who advised application, was acting in breach of the unstamped agreement which the First Defendant had hidden from his Register of Patents on 20-09-04 on account of it not being evidence of assignment and not being Stamped *;
- m. * The claimant does not seek full review of these Decisions, but rather seeks a review of the underlying prejudice which resulted in all these Decisions going against the Claimant and his rights, title and interests;
- n. The Claimant does however seek this honourable Court's formal acknowledgement that he was deprived of his property and of fair hearings (as a consequence of the First Defendant's covered-up, deliberate and unlawful practices and the resulting conflict of interests) to which he was and is otherwise entitled under the Human Rights Act 1998, and that he is entitled to damages as a consequence of the First Defendant's breach of his Human Rights, the First Defendant's breach of statutory duty by positive wrongdoing and the First Defendant's causing loss by unlawful means;

- (3) The Second Defendant's (HM Revenue & Customs') Final Decision with regard to the First Defendant's breach of s.14 Stamp Act 1891 and how the First Defendant's liability to penalty under s.17 Stamp Act 1891 arose;

Details

- a. The Second Defendant had previously issued a Decision on 30-10-08 that the First Defendant had breached s.14 Stamp Act 1891 and was liable to penalty under s.17 Stamp Act 1891;
- b. The Claimant agreed that the First Defendant was liable to penalty and submitted a statement and evidence to the Second Defendant on 05-11-08 to prove the allegation that the First Defendant's breach was instructed and deliberate and that the applications for registration of change of proprietorship of intellectual property created by the Claimant in September 2004 were fraudulent and deliberate also;
- c. The Claimant later discovered in April 2009 that the Second Defendant may bring an action in the High Court, under paragraph 13, s.114 schedule 17 Finance Act 1999, against the First Defendant and the persons involved in the making of false applications, and that the Second Defendant has a Prosecutors' Pledge under which it may apply to the Court for damages/compensation to be paid to the Claimant;
- d. The Claimant considered that this was the proper way to deal with the offences he had uncovered, but the Second Defendant was averse to taking any action against the First Defendant;
- e. It is not only the Second Defendant who may bring an action against the First Defendant and other persons under paragraph 13, s.114 schedule 17 Finance Act 1999, but it is necessary that the Second Defendant issues a Decision with regard to its opinion as to how the First Defendant's liability to penalty under s.17 Stamp Act 1891 arose;
- f. Such a Decision is required in order that the Attorney General (Third Defendant) may consider lending her name to proceedings under paragraph 13, s.114 schedule 17 Finance Act 1999 in the event that the Second Defendant's Decision is that it is of the opinion that the First Defendant's liability to penalty has arisen by reason of fraud but has decided not to bring an action itself;
- g. At the request of the Claimant on 15-04-09, the Third Defendant sought such a Decision of the Second Defendant in May 2009 and advised the Claimant that she (Third Defendant) would not be able to challenge or go behind the Second Defendant's Decision once delivered;

- h. The Claimant therefore contends that the Third Defendant must act on such a Decision of the Second Defendant in a timely manner and in one of only two ways, either:
 - i. by formally transmitting the Second Defendant's Decision to the Claimant so that the Claimant may consider challenging it, if the Second Defendant's Decision is that the First Defendant's liability to penalty has not arisen by reason of fraud;
 - or,
 - ii. by considering to lend her name to proceedings under paragraph 13, s.114 schedule 17 Finance Act 1999, if the Second Defendant's Decision is that the First Defendant's liability to penalty has arisen by reason of fraud.
- i. The Third Defendant has done neither; she has only passed on the Second Defendant's Decision informally, in the hopes that the Claimant would accept the situation and not seek to challenge the Decision;
- j. The Second Defendant's Decision, made in defiance of the comprehensive statement and documentary evidence supplied to the Second Defendant by the Claimant on 05-11-08 (also sent to the Third Defendant in 2009) and in defiance of documents already in the Second Defendant's files, is that, in the opinion of the Second Defendant, the First Defendant's liability to penalty has not arisen by reason of fraud;
- k. **The Claimant contends that** the Second Defendant has a conflict of interests arising from its now-evidenced involvement in the First Defendant's establishment of unlawful procedures between 21-03-00 and 28-03-00 in defiance of s.14 and s.17 Stamp Act 1891 **and seeks to challenge the Second Defendant's Decision by Judicial Review** on grounds that the Second Defendant was aware of the unlawful procedure before the false and unlawful registrations were made in September 2004 and that the Second Defendant closed its eyes and mind to the comprehensive documentary evidence of deliberate falsification of the Register in order to issue a Decision that, in its opinion, the First Defendant's liability to penalty under s.17 Stamp Act 1891 did not arise by reason of fraud;
- l. The Claimant respectfully requests, subject to his request for an extension, that this honourable Court also reviews the Decision of the Second Defendant on 23-03-00 (only recently exposed) to clear for publication the First Defendant's Draft Notice of 22-03-00, subject to specific amendment and addition, when it was clear to both the First and the Second Defendants, from the content of letters dated 07-01-99, 21-12-99, 21-03-00 and 23-03-00 and the Second Defendant's 1999 booklet on Stamp Duty and the registration of intellectual property rights, that it was and is unlawful to register transactions when there exists an associated unpaid Stamp Duty liability.

- m. **The Claimant contends that** the documentary evidence presented to the Second and Third Defendants by the Claimant, and documentary evidence already in the Second Defendant's possession, proves that the First Defendant's Registers were falsified in September 2004 by deliberate, unlawful means (such means being generally known to the Second Defendant as of 22-03-00) and that the First Defendant's unlawful acts in September 2004 in respect of intellectual property created by the Claimant prejudiced all decisions made by the First Defendant in respect of that property and those bogus registrations thereafter;
- n. The Claimant looks to this honourable Court to look at the whole truth and determine, by Judicial Review, whether there was sufficient evidence available to the Second Defendant to arrive at an alternative Decision to that which has been issued to the Third Defendant, such that the Second Defendant would be of the opinion that:
- i. the First Defendant was fully aware of his statutory duties under the Stamp Act 1891;
 - ii. the First Defendant's alteration of the register wording from "Form 21/77 and documents filed" to "Form 21/77 filed" and the First Defendant's alteration of the wording of the standard confirmation letter, to remove the reference to "the entry at box 6" of the Patents Form 21/77 were deliberate acts of falsification for the avoidance of entering an unstamped, defective document on the Register of Patents;
 - iii. the liability to penalty arose by reason of fraud.
- o. The Claimant looks to this honourable Court to look at the whole truth and determine whether there was sufficient evidence available to the Second Defendant to arrive at an alternative Decision that it was of the opinion that persons involved in the preparation and application for registration of change of proprietorship of the intellectual property created by the Claimant, which gave rise to the First Defendant's liability to penalty under s.17 Stamp Act 1891, were aware that:
- i. A false applicant name was substituted in place of a designated legal name
 - ii. there was an outstanding Stamp Duty liability;
 - iii. the mutilated sale agreement was not an assignment;
 - iv. it was necessary for assignments to be executed pursuant to execution of the sale agreement before any registration of change of proprietorship could be legitimately made;
 - v. the liability to penalty arose by reason of fraud.

- (4) The Third Defendant's (Attorney General's) Decision to repeatedly set back the promised date for formally transmitting the abovementioned Second Defendant's Decision to the Claimant and, upon realising in November 2009 that the Claimant was not going to drop the matter, to cause further unnecessary and uncalled-for obstruction and delay to the Claimant's plans to challenge the Second Defendant's Decision by attempting to re-open discussion with the Second Defendant long after issue of the Second Defendant's Decision in respect of the First Defendant's liability to penalty under s.17 Stamp Act 1891.

Details

- a. The Claimant wrote to the Third Defendant on 15-04-09 to ask her to consider lending her name to proceedings under paragraph 13, s.114 schedule 17 Finance Act 1999;
- b. The Claimant provided evidence to the Third Defendant that the First Defendant's liability to penalty under s.17 Stamp Act 1891 arose by reason of fraud;
- c. The Third Defendant agreed to write to the Second Defendant to procure a Decision with respect its opinion as to how the liability to penalty has arisen;
- d. A Decision contrary to the documentary evidence of fraud was returned by the Second Defendant, making the Third Defendant, who was aware of the evidence of deliberate exclusion of an unstamped document and falsification of the Register, reluctant to formally pass on the Second Defendant's Decision;
- e. The Third Defendant had already informed the Claimant that she would not be able to challenge or go behind the Second Defendant's Decision once it was issued;
- f. **The Claimant contends that** the Third Defendant was fully aware that the Claimant urgently required formal notification of the Second Defendant's Decision so that he could challenge it;
- g. **The Claimant contends that** he was repeatedly promised imminent formal transmission of the Second Defendant's Decision so that he might challenge it, and that the Third Defendant repeatedly apologised for failing to deliver on the promises to transmit the Decision, putting this down to "tardiness" on her part;
- h. **The Claimant contends that:**
 - i. he has been treated unfairly by the Third Defendant;
 - ii. the Third Defendant knows she is not acting in accordance with what requested and agreed to be done by her;
 - iii. the Third Defendant's current contact with the Second Defendant - which she has claimed was not intended to bring about a further, different Decision (it not being possible to change or withdraw the

existing Decision) - has no purpose other than to delay the Claimant in his efforts to reach a just conclusion to his claims;

- i. **The Claimant contends that** the Third Defendant's refusal on 24-11-09 to disclose the information he requested under the Freedom of Information Act 2000 cannot be fairly dealt with in the light of the prejudice and corruption which has been exposed in the complaints system, and respectfully seeks this honourable Court's intervention, by Judicial Review, to consider the matter and determine that the Third Defendant should have reported formally to the Claimant upon receiving the Second Defendant's Decision and that, as the Third Defendant claims that she is not challenging or questioning the Second Defendant's Decision, determine that there is no just reason for the Third Defendant to obstruct the Claimant in his efforts to challenge the Second Defendant's Decision by way of Judicial Review, particularly as the Second Defendant's Decision serves to cover up deliberate defiance of s.14 and s.17 Stamp Act 1891 of which the Second Defendant has been aware since 22-03-00 and ought to have acted at the time to deter the First Defendant from registering transactions in defiance of s.14 and s.17 Stamp Act 1891.

(5) Subject to the grant of an extension to deal with earlier, covered up matters (of import to all persons with rights, title or interests affected by the First Defendant's unlawful and herein-exposed registration procedures going back to 1992) :

- a. A Judicial Review of the First Defendant's (Comptroller of Patents') procedures for registering transactions, both real and fictitious, in breach of the relevant Acts and Rules, in particular in deliberate breach of s.14 Stamp Act 1891 and in defiance of s.17 Stamp Act 1891 and the Rules establishing the statutory requirements for signatures and evidence prior to making an entry of the Patent Office Registers;
- b. A Judicial Review of the deceitful manner in which the First Defendant (Comptroller of Patents) procured a change to Rule 46 Patents Rules 1995 on 22-12-1999 to complement a perverse change in procedure (present in the Comptroller's in-house 01-08-07 Section Instructions discovered by the Fourth Defendant on 20-05-09, but not present in the 01-08-07 Section Instructions disclosed to the Claimant by the Comptroller on 02-09-08) for the purpose of procuring new paying customers on the basis of a single signature of a mere practitioner (not an Agent), without ensuring compliance with the statutory requirements under the Stamp Act 1891, and without ensuring compliance with the otherwise once protective statutory requirements of the Patents Act 1977 and the Patents Rules 1995 that a person seeking to be registered as an assignee of another person's patent does indeed have registrable, admissible evidence of assignment;
- c. A Judicial Review of the First Defendant's (Comptroller of Patents') conduct in respect of his covered-up falsification of the Register of Patents on 20-09-04 and his registration of further fictitious assignments on 24-09-04 and 27-09-04 which he has refused to deal with or correct, and which he has

allowed to complicate and unlawfully influence proceedings, and the effect that this deliberate and unlawful conduct has had on all decisions made by the First Defendant against the Claimant and his rights, title and interests since the making of the first false registration on 20-09-04.

SECTION 3 CONTINUED

Dates of Decisions:

Note: numbering below relates to the numbered decisions and matters of conduct above.

1. 04-09-09 - Final Decision issued by Fourth Defendant
 2. 30-11-09 – First Defendant's Decision on expiry of 20 days from the date of the Claimant's request for information concealed during the Fourth Defendant's investigation under s.77 Freedom of Information Act 2000.
 3. Recent but date unknown – Decision issued by Second Defendant with respect to paragraph 13 s.114 Schedule 17 Finance Act 1999 and withheld from the Claimant by the Third Defendant.
 4. 24-11-09 - Decision of the Third Defendant, following earlier Decisions not to issue the Second Defendant's Decision to the Claimant.
 5. Subject to grant of extension, with respect to the First Defendant:
 - a. January 1992 to date – decisions establishing unlawful registration procedures (relevant to 1, 2, 3 & 4 above);
 - b. 16-09-98 to 22-12-99 – deceitfully-procured change to Rule 46 Patents Rules 1995(relevant to 1, 2, 3 & 4 above);
 - c. 20-09-04 to date – decision to falsify the Register for GB2267412 and the prejudicial effects on later decisions (relevant to 1, 2, 3 & 4 above).
-

SECTION 3 CONTINUED

Names of the bodies who made the decisions to be reviewed

- (1) Comptroller-General of Patents, Designs & Trade Marks
- (2) Her Majesty's Revenue & Customs
- (3) The Attorney General
- (4) The Information Commissioner

SECTION 3 CONTINUED

Addresses of the bodies who made the decisions to be reviewed

(1) The Comptroller, The Intellectual Property Office, Concept House, Cardiff Road, Newport, Gwent, NP10 8QQ.

(2) HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ.

(3) The Attorney General, 20 Victoria Street, London SW1H 0NF.

(4) The Information Commissioner, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Does the claim include any issues arising from the Human Rights Act 1998?

If Yes, state the articles which you contend have been breached in the space below. ☒ Yes ☐ No

Article 1, Protocol 1

Article 6

ref: section 7 and section 8 HRA

The Human Rights Act 1998 provides citizens of the United Kingdom with important protection for certain of their rights under the

SECTION 5 Detailed statement of grounds

☐ set out below

☒ attached

See attached Statement of Grounds & Facts.

SECTION 6 Details of remedy (including any interim remedy) being sought

The Claimant has set out the details of remedies being sought in the attached documents (Statement of Grounds & Facts and the Appendices thereto).

SECTION 7 Other applications

I wish to make an application for:-

see next sheets (pages 17 - 20 attached)

SECTION 7 Other applications

I wish to make an application for:-

an extension of time in respect of matters arising outside the three-month time limit.

Grounds for Extension

1. The Claimant has been seriously prejudiced in proceedings over the past five years on account of the deliberate, unlawful acts of the First Defendant, the Comptroller of Patents, Designs & Trade Marks ("the Comptroller), which were covered up by the Comptroller and were not therefore apparent to the Claimant and could not therefore be effectively challenged until fully exposed.

2. The Claimant has discovered that the Comptroller made a number of false claims in a Decision on review of staff training, procedure and practice on 12-11-07 and the Claimant turned to the Second Defendant (HM Revenue & Customs) - who has a right and cause of action against the Comptroller (breach of s.14 Stamp Act 1891) and those persons who made false applications to the Comptroller in September 2004 to register a fictitious assignment of intellectual property created by the Claimant.

3. Unbeknown to the Claimant, the Second Defendant has been covering up its own long-standing knowledge that the Comptroller was registering transactions in breach of the Stamp Act 1891, and the Second Defendant had agreed not to penalise the Comptroller in the event that he registered a transaction without the necessary Stamp Duty having been paid. Letters between the First and Second Defendant, the existence of which was initially denied by both, have been discovered, completing the explanation of this extraordinary relationship and their knowledge as at 23-03-00 that what the Comptroller has been doing was unlawful.

4. The Claimant turned to the Third Defendant on 23-02-09 but has continued to be obstructed in his efforts to have the falsification of the Comptroller's Registers dealt with in the proper way under paragraph 13, s.114 Schedule 17 Finance Act 1999.

5. The Claimant discovered in February 2009 that the Comptroller had instructed a review of register administration procedure in the Spring of 2008 - after having claimed to the Claimant in a Decision on 12-11-07 that it was in good and proper working order.

6. The Claimant discovered evidence showing that the Comptroller had made false declarations on 12-11-07 and called upon the Fourth Defendant (Information Commissioner) on 23-02-09 to deal with the Comptroller's alteration of Section Instructions which were disclosed to the Claimant on 02-09-08 under the Freedom of Information Act 2000 by the Comptroller as being evidence that his claims of 12-11-07 with respect to standard procedure were true (which they were not).

7. As with the Claimant's approaches to the Second Defendant and the Third Defendant, the Claimant provided compelling documentary evidence of fraud to the Fourth Defendant also. However, upon being guided by the Claimant to the electronic Word Document at the Patent Office which would expose the Comptroller to prosecution under s.77 Freedom of Information Act 2000 for altering, substituting and concealing Section Instructions, the Fourth Defendant discovered but concealed the evidence, substituted a pdf document which was not a copy of the concealed Word Document (to keep the electronically-embedded date of alteration of the Word Document – the substitute Section Instructions - from the Claimant) and issued a Decision on 22-06-09 (and a Decision on Review of that Decision on 04-09-09) that he (Information Commissioner) was unable to procure sufficient evidence of deliberate withholding of the true 01-08-07 Section Instructions (Section Instructions which contradicted the Comptroller's claims of 12-11-07 which had been made in order to deceive the Claimant and cover up the Comptroller's deliberate hiding of a defective, unstamped document from his Register of Patents on 20-09-04 and his registration of a bogus and invalidly-signed Patents Form 21/77).

8. At the heart of the matter is an unstamped, and therefore inadmissible, sale agreement and four bogus Patent Office registrations, in a false company name, for which there is no evidence of assignment (the Comptroller having hidden the bogus evidence - a mutilated copy of the unstamped sale agreement - in order that it would not stand in the way of his procurement of a new paying customer).

9. The unstamped agreement is not an assignment, by intention of the parties thereto (on account of the Stamp Duty liability in respect of part of the affected property) and there is only one executed document (i.e. there was never any executed counterpart of the unstamped sale agreement). HM Revenue & Customs refuses to Adjudicate or Stamp anything but the original document, knowing that the person who has that document - a habitual asset-stripper - induced his companies to breach the terms of the agreement and made false applications for registration in 2004 and false claims to the High Court, the Comptroller and HM Revenue & Customs in 2007 in order to cover up his long-standing knowledge of the Stamp Duty liability.

10. The Claimant contends that the unlawful procedures and offences of the First Defendant should have been dealt with by the Second and Third Defendants and by the Gwent Police, but as there has been a concerted effort to protect the Comptroller, the Claimant respectfully requests of this honourable Court that the First Defendant's decisions, procedures and offences, which the Second and Third Defendants were supposed to honestly, truthfully and lawfully investigate and decide upon, but did not, be considered by this honourable Court and decided in their stead. The Statement of Grounds & Facts, and Appendices thereto, set out the matters, with reference to the documentary evidence.

11. The Claimant contends that there is evidence of widespread falsification of the Patent Office Registers by the First Defendant which the First Defendant will neither admit to, nor face up to, and that matters of entitlement before the First Defendant (as a referee in his own court) will continue to be prejudiced by the First Defendant's hitherto secret knowledge of how he has dealt with unstamped and suspicious documents and made bogus registrations of change of proprietorship, and by the First Defendant's predominant fear of being exposed as having had a significant role in falsifying his Registers and causing the wrong parties to be

involved in proceedings before him which he knows will not be subject to a fair hearing on the basis of the truth, the whole truth and nothing but the truth.

12. The Claimant contends that it is nigh on impossible for him to have the appropriate authorities deal with the falsifications of the Register, as the two parties which one would normally expect to be witnesses for the prosecution - the person who manages the Registers (First Defendant) and the person who manages Stamp Duty (Second Defendant) have serious conflicts of interest and therefore, for their own protection, deny that there has been any falsification.

13. Such unlawful conduct as is evidenced hereto has caused much time to pass without the Claimant being in a position to get a fair hearing and recover what is owed to him. The Claimant has been obstructed in his efforts to get the truth, the whole truth and nothing but the truth from the First Defendant, even after involving the Second, Third and Fourth Defendants, and respectfully requests that this honourable Court takes into consideration the difficulty and damage that such obstruction has caused the Claimant in his efforts to recover his property and the money he is owed, and consequently agrees to subject to Judicial Review the matters which the challenged Decisions and conduct of the Second, Third and Fourth Defendants should have dealt with honestly, truthfully and lawfully, but did not, and agrees to consider the Claimant's requests for Relief.

SECTION 8 Statement of facts relied on

See attached Statement of Grounds & Facts.

Statement of Truth

I believe (The claimant believes) that the facts stated in this claim form are true.

Full name Andrew James Jamieson Hall

Name of claimant’s solicitor’s firm _____

Signed _____ Position or office held _____
Claimant ~~(is solicitor)~~ (if signing on behalf of firm or company)

SECTION 9 Supporting documents

If you do not have a document that you intend to use to support your claim, identify it, give the date when you expect it to be available and give reasons why it is not currently available in the box below.

Please tick the papers you are filing with this claim form and any you will be filing later.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Statement of grounds | <input type="checkbox"/> included | <input checked="" type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Statement of the facts relied on | <input type="checkbox"/> included | <input checked="" type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Application to extend the time limit for filing the claim form | <input checked="" type="checkbox"/> included | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Application for directions | <input type="checkbox"/> included | <input checked="" type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Any written evidence in support of the claim or application to extend time | | |
| <input type="checkbox"/> Where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision | | |
| <input checked="" type="checkbox"/> Copies of any documents on which the claimant proposes to rely | | |
| <input type="checkbox"/> A copy of the legal aid or CSLF certificate <i>(if legally represented)</i> | | |
| <input checked="" type="checkbox"/> Copies of any relevant statutory material | | |
| <input checked="" type="checkbox"/> A list of essential documents for advance reading by the court <i>(with page references to the passages relied upon)</i> | | |

If Section 18 Practice Direction 54 applies, please tick the relevant box(es) below to indicate which papers you are filing with this claim form:

- | | | |
|--|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> a copy of the removal directions and the decision to which the application relates | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> a copy of the documents served with the removal directions including any documents which contains the Immigration and Nationality Directorate's factual summary of the case | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> a detailed statement of the grounds | <input type="checkbox"/> included | <input type="checkbox"/> attached |

Reasons why you have not supplied a document and date when you expect it to be available:-

See next sheets (pages 24-31 attached)

Signed _____ Claimant ('s ~~Solicitor~~) _____

SECTION 9 Supporting Documents

Reason why you have not supplied a document and date when you expect it to be available

1. There exists a document, the full details of which the Claimant has been trying to expose under the Freedom of Information Act 2000 without success for over two years - "Pat Ass DN Ver3.doc".
2. The First Defendant (Comptroller of Patents) has repeatedly claimed that Pat Ass DN Ver3.doc (an altered version of his in-house Patents Register Administration Desk Notes - an instruction manual) was created on 01-08-07, but it was not. It was created at a later date and used to deceive the Claimant.
3. The matter has been through the entire Freedom of Information complaints system and the final Decision of the Fourth Defendant (Information Commissioner) on 04-09-09 is one of the Decisions which the Claimant wishes to be subject to Judicial Review.
4. The Claimant wishes to put before this honourable Court the actual Word Documents of the filename "Pat Ass DN Ver3.doc" which have been concealed by the First and Fourth Defendants so that the true dates of alteration can be determined.
5. The First Defendant and the Fourth Defendant refuse to disclose the true date of alteration, which is embedded in the Word Document Pat Ass DN Ver3.doc itself.
6. It is very easy to establish the date of alteration and the date upon which the First Defendant issued the altered instructions Pat Ass DN Ver3.doc to staff (if at all) and why, but the consequences for the First Defendant of post-request-for disclosure alteration are so serious that neither the First Defendant, nor the Fourth Defendant, will deliver up the Information.

7. A further request under the Freedom of Information Act 2000 was made to the First Defendant on 10-11-09, but that is been ignored.

8. The Information should have arrived within 20 days of 10-11-09, but it has not arrived and is not therefore attached hereto.

Background – Reasons for not being able to present the document

10. The Claimant has discovered that on 01-08-07 there existed a concealed document, Pat Ass DN Ver2.doc, which contradicted claims made by the First Defendant ("Comptroller of Patents") on 12-11-07 in a Decision on review of staff training, procedure and practice.

11. In the Decision of 12-11-07, the First Defendant presented what was in fact a fictitious procedure (opposite to that in Pat Ass DN ver2.doc and earlier section instructions) and blamed staff for not following the (fictitious) instruction in their administration of a disputed registration of change of proprietorship of a patent created by the Claimant which had not in fact been assigned as otherwise stated on the Register of Patents for GB2267412 on 20-09-04.

12. In reality, Patent Office staff had acted in accordance with perverse instructions as set out in Pat Ass DN Ver2.doc and had falsified the Register of Patents on 20-09-04 by deliberately hiding a mutilated copy of an unstamped sale agreement, registering only a Patents Form 21/77 as purported evidence of the assignment of the Patent GB2267412, and covering up their knowledge of the invalidity of the Patents Form 21/77 (which lacked the necessary signatures) by altering the wording of the standard confirmation letter.

13. The First Defendant (Comptroller of Patents) created and altered Pat Ass DN ver3.doc at later dates than he has claimed and has two versions of it, one version existing on a number of computers at the Patent Office, and the other existing on one computer at the Patent Office and on the Fourth Defendant's (Information Commissioner's) email server.

14. The Fourth Defendant has been discovered by the Claimant to have concealed the document Pat Ass DN Ver3.doc during an investigation under s.77 Freedom of

Information Act 2000 and to have substituted it with a pdf document so as to conceal from the Claimant the date upon which the First Defendant created and significantly altered Pat Ass DN Ver3.doc (such alteration resulting in the presentation of an opposite instruction to that which was actually in operation in 2004 and in 2007, such opposite instruction having recently been discovered by the Claimant to have been established on 24-12-1998).

15. The pdf disclosed to the Claimant by the Fourth Defendant on 27-05-09 was created from a different Word Document to that which was discovered by the Fourth Defendant at the Patent Office on 20-5-09 and thereupon concealed by the Fourth Defendant (albeit having the same file name "Pat Ass DN Ver3.doc"), and was not therefore an electronic embodiment of the Information requested by the Claimant.

16. Both the Fourth Defendant and the Gwent Police closed their inquiries claiming that the Claimant had received what he asked for.

17. In fact, contrary to those claims, the Claimant had requested Information as to WHEN the First Defendant had altered Pat Ass DN Ver3.doc and has made it clear to both the First Defendant, the Fourth Defendant and the Gwent Police that this Information was and is held in the Word Document Pat Ass DN Ver3.doc which the Fourth Defendant concealed and pretended not to possess, and in the TWO versions of Pat Ass DN Ver3.doc held by the First Defendant.

18. The Word Documents "Pat Ass DN Ver3.doc" contain accessible embedded Information as to when the First Defendant (Comptroller of Patents) altered his register administration section instructions at s.2.02(5) (an in-house, 51-page manual).

19. s.2.02(5) thereof instructs Patent Office Register Administration Staff what to do with documentary evidence filed at the Patent Office in support of applications for registration of change of proprietorship of a patent. Other sections, such as s.4.02 and 4.12 - also kept from public view since their establishment in January 1992 and May 1999 respectively - instruct staff to hide unstamped documents and

to register false documents without question and in blatant defiance of Jacob J's warning in conclusion to Coflexip Stena Offshore Ltd's Patent [1977] RPC 179.

20. The First Defendant takes perverse comfort from Jacob J's ruling and added a reference thereto in s.4.12 by amendment to Pat Ass DN Ver2.doc on 28-07-07 - 15 days after the Claimant first complained to the First Defendant that there appeared to be an unpaid Stamp Duty liability on a sale agreement which the falsely-registered proprietor's owners falsely claimed to be evidence of the assignment of the Patent GB2267412).

21. Comfort arises because Jacob J effectively ruled that an unstamped document cannot be used in evidence to undermine a false registration.

22. However, such comfort relies on an aggrieved person never discovering that the First Defendant has excluded an unstamped document or hidden an unstamped document in a Not Open To Public Inspection pink jacket (s.4.12) (which the First Defendant warned staff might be harder to keep from the public in the event that a request was made under the Freedom of Information Act 2000 for disclosure). Appendices to the Statement of Grounds and Facts establish these facts with reference to documentary evidence.

23. The purpose of these unlawful and perverse instructions has been to enable the First Defendant to procure new paying customers without the statutory defences against false registration and the requirements under the Stamp Act 1891 getting in the way.

24. The First Defendant stands to gain up to around £6,000 in registration renewal fees over the life of a patent, which he will not receive if an applicant for registration of change of proprietorship is turned away for non-payment of Stamp Duty on ALL DUTIABLE PROPERTY affected by the document which is truly relied on for evidence of transfer.

25. The Statement of Grounds & Facts (and Appendices thereto) exposes numerous ways in which the First Defendant achieved his perverse aims, in addition to the aforementioned unlawful instructions. In particular, three "Events" are exposed in detail at Appendix 1, Schedule 1.

26. Thousands of registrations have been made by application of these unlawful practices. Unbeknown to the Claimant until 2009, the Second Defendant (HM Revenue & Customs) has been aware of the First Defendant's defiance of the Stamp Act 1891 since 22-03-00. "Event 3" explains, with full supporting evidence, how the First Defendant got the Second Defendant's blessing on his unlawful practice of registering transactions effected on or after 28-03-00 without ensuring that Stamp Duty had been paid where it was due.

27. "Event 2" explains, with full supporting evidence, how the First Defendant deceived the Secretary of State into approving a change to the Patents Rules 1995

28. It is notable that the First defendant had claimed to the Claimant on 18-10-07 that "our practices in this area have not changed in recent years".

29. This claim has since proved to be incompatible with the First Defendant's later claims of 12-11-07 and thereafter.

30. "Event 1" explains how the true, concealed standard procedure at s.2.02(5) in all "Reg Admin Desk Notes" (section instructions) prior to the creation of the altered version Pat Ass DN Ver3.doc thereof came about on 24-12-1998 and shows, with reference to evidence, that in spite of the Second Defendant's objections thereto in 1999, it was still in operation on 01-08-07 and was set out in 01-08-07 Reg Admin Desk Notes discovered at the Patent Office by the Fourth Defendant on 20-05-09.

31. However, as an opposite procedure appears at s.2.02(5) in the version of Pat Ass DN Ver3.doc disclosed to the Claimant on 02-09-08 as a pdf document (with no embedded date information in respect of the Word Document) the First Defendant's claim of 18-10-07 (no change in recent years) can only have been true if Pat Ass DN Ver3.doc was altered at s.2.02(5) AFTER 18-10-07.

32. The Claimant contends that if the First Defendant's claim of 18-10-07 was untrue, the First Defendant would have also known that his claims of a standard procedure on 12-11-07 were untrue also, as such a recent alteration to "section

instructions" would be fresh in his mind and be known to him not to have applied at the time of the false registration on 20-09-04.

33. In the alternative, if the First Defendant had told the truth on 18-10-07 and had not changed his practices in this area in recent years, his claims of a standard procedure in his Decision issued on 12-11-07 would have been known to him to be false, as it has been independently established that staff had been under instruction since 24-12-1998 to ignore documentary evidence if it accompanied a Patents Form 21/77 signed by all parties to the transaction.

34. It is notable that the First Defendant claimed on 12-11-07 that the procedure he cited was "confirmed in section instructions".

35. The Claimant contends that the evidence more recently discovered and set out hereto shows that the cited procedure did not exist and could not therefore be confirmed in section instructions without those instructions being altered.

36. The Claimant contends that the date upon which the First Defendant altered Pat Ass DN ver3.doc at s.2.02(5) to create a procedure which conveniently conformed to what was in fact a non-existent procedure falsely cited in the Decision of 12-11-07 is part of the WHOLE TRUTH which should be disclosed in proceedings and contends that it was wrong, deliberate and unlawful of the Fourth Defendant to conceal Pat Ass DN Ver3.doc and close his eyes and mind to the date of alteration.

37. The Claimant contends that discovery of the true date of alteration will demonstrate whether Pat Ass DN Ver3.doc was altered at s.2.02(5) for the purposes of deception, or whether it was altered as a result of the issues which came to light in proceedings before the First Defendant and the High Court in 2007 and was thereafter fraudulently substituted in place of the requested "Reg Admin Desk Notes as at 01-08-07".

38. The Claimant contends that the First Defendant claimed that Pat Ass DN Ver3.doc was the only version of the 01-08-07 section instructions as at 01-08-07 and never altered thereafter in order to conform to the (false) claims in the First Defendant's Decision of 12-11-07 and further help to cover up the earlier

falsification of the Register of Patents on 20-09-04 by the First Defendant and by persons involved in the making of the applications for registration of change of proprietorship of intellectual property created by the Claimant.

39. The facts, with reference to evidence of falsification, are summarised at Appendix 1 of the Statement of Grounds & Facts (Central Issue 1 and Central Issue 2, and so on).

40. As the Patents Form 21/77 which the First Defendant registered on 20-09-04 in respect of the Patent GB2267412 bore only one signature and was not signed by the owner of the Patent, the criteria for ignoring documentary evidence were not met.

41. Even if staff had misinterpreted the Patents Form 21/77 and the accompanying document as being in order, the register entry would have stated "Form 21/77 and documents filed", but it did not.

42. The entry made on 20-09-04 in respect of the Patent GB2267412 was "Form 21/77 filed", and the confirmation letter had the reference to the signatory's details at box 6 of the Form 21/77 removed.

43. The Claimant contends that, in the light of the more recently-discovered evidence, the register entry and the confirmation letter are evidence of deliberate breach of statutory duties and falsification of the Register of Patents [s.109 Patents Act 1977 and s.109 CIPA Guide refer]. Schedule 3 of Appendix 1 of the Statement of Grounds & Facts summarises matters of Falsification of the Register.

44. The Claimant contends that this is a fully-evidenced case of falsification of the Register by instruction of the First Defendant and that the sought-after Word Documents of the filename Pat Ass DN Ver3.doc will add to the existing evidence of a cover-up and present the WHOLE TRUTH.

45. This concealed document is evidence that, contrary to the Fourth Defendant's Decisions of 22-06-09 and 04-09-09, the Fourth Defendant did have the ability and wherewithal to determine that there was a deliberate attempt by the First Defendant to keep from the Claimant the true section instructions as at 01-08-07

and to determine that the First Defendant repeatedly claimed that Pat Ass DN Ver3.pdf was representative of Patent Office practice as at 01-08-07, in breach of s.77 Freedom of Information Act 2000.

46. The Claimant respectfully seeks this honourable Court's intervention to procure from the First Defendant disclosure of the two versions of Pat Ass DN Ver3.doc on his computers and evidence of dissemination to register administration staff for the purposes of changing procedure.

47. The Claimant respectfully seeks this honourable Court's intervention to procure from the Fourth Defendant disclosure of Pat Ass DN ver3.doc on his computer.

48. The Claimant further seeks this honourable Court's intervention to establish agreement between the parties as to by whom the embedded Information relating to the alteration date of Pat Ass DN Ver3.doc should be extracted and presented to the Court. (There are a number of forensic services providers who are capable of performing such an extraction).

Signed _____ Claimant_____

CASE REF:

/2009

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT**

BETWEEN

THE QUEEN

On the application of

ANDREW JAMES JAMIESON HALL

Claimant

and

THE COMPTROLLER-GENERAL OF PATENTS, DESIGNS & TRADE MARKS

First Defendant

and

HER MAJESTY'S REVENUE & CUSTOMS

Second Defendant

and

THE ATTORNEY GENERAL

Third Defendant

and

THE INFORMATION COMMISSIONER

Fourth Defendant

ANDREW HALL - STATEMENT OF GROUNDS & FACTS

Notes:

References to **AH-A*** [****] are to the Claimant's Authorities Bundle (index at Appendix 2)

References to **Extract #***** (** = 1 to 183) are to *Extracts* from the Claimant's Exhibits

References to **AJH-**-“** “ are to the Claimant's Core Exhibits Bundle, File** and number”

References to **"/***** are to the Claimant's Main Exhibits Bundle, Tab" and page***

(indices for Exhibits are to be found in the Annexes at Appendix 3)

Appendices:

Appendix 1 - Further Particulars:

contains further particulars with respect to the Grounds & Facts, with index.

Appendix 2 – Lists:

contains lists of Authorities, Statutory Instruments, and “Section Instructions” (IPO Desk Notes & Desk Instructions).

Appendix 3 – Annexes:

contains both concise and full indices of the Exhibits Bundle, the Core Exhibits Bundle and the Bundle of Extracts from Exhibits.

Footnotes:

The footnotes herein are not mere side comments. Footnotes are used for the purposes of convenience, clarity, information and reference.

CLAIMANT'S STATEMENT OF GROUNDS & FACTS

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Appendices follow at page 47

CLAIMANT'S STATEMENT OF GROUNDS & FACTS

INTRODUCTION

The Parties

1. **The Claimant** is Mr. Andrew Hall of Bramble Croft, Grindleton, Clitheroe, Lancashire BB7 4RL (hereinafter "the Claimant").
2. **The First Defendant** is the Comptroller-General of Patents, Designs & Trade Marks and Chief Executive Officer of the UK Patent Office, T/A the UK Intellectual Property Office ("the IPO"), Concept House, Cardiff Road, Newport, Gwent, NP10 8QQ (hereinafter "**the Comptroller**", such title to include his employees, servants and agents).
3. **The Second Defendant** is Her Majesty's Revenue & Customs, 100 Parliament Street, London, SW1A 2BQ (formerly Inland Revenue, hereinafter "**HMRC**", such title to include its employees, servants and agents).
4. **The Third Defendant** is the Attorney General, 20 Victoria Street, London SW1H 0NF, (hereinafter "**the Attorney General**", such title to include her employees, servants and agents).
5. **The Fourth Defendant** is the Information Commissioner, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (hereinafter "**the Information Commissioner**", such title to include his employees, servants and agents).

The Claimant's Standing ¹

6. **The Claimant**, as aforementioned, is Mr. Andrew Hall (**hereinafter “the Claimant”**).
7. The Claimant is the inventor, creator and developer of a hearing aid called the Conversor® and of certain registered and unregistered intellectual property rights (“IPR”) relating thereto.
8. Certain of the registered IPR was registered at the UK Patent Office (“IPO”, of which the First Defendant, the Comptroller, is CEO) in the early 1990s, from which the IPO benefitted financially by way of annual and occasional registration renewal fees.
9. As a result of rights he assigned and rights he held onto, the Claimant is entitled to benefit financially from others’ exploitation of the Conversor and the various IPR.
10. The Claimant has suffered significant loss and damage as a result of unlawful IPO register maintenance instructions, practices and procedures, by which registrations of fictitious assignments of the IPR were made by the Comptroller in September 2004 by deliberate acts of concealment, and for his own financial benefit.
11. The Claimant has discovered evidence showing that the Comptroller has been:
 - i. deliberately hiding unstamped documents;
 - ii. altering register entry wording so as to give the impression that no documents were filed with the official application Form (when staff have hidden a document);
 - iii. altering what should otherwise be a standard confirmation letter so as not to draw attention to the identity of the person who has signed the Form in cases where it is clear from the details on the Form that it is not “*properly completed and signed*”, is not “*correctly filed*” and is not “*appropriately signed*”; ²

thereby registering transfers of patents in deliberate breach of his statutory duties without evidence of transfer and without evidence of the payment of Stamp Duty.

¹ The matter of the **Availability of Judicial Review** and the Matter of the **Relief Sought** are dealt with later, commencing at page 8 and page 25 respectively.

² These are the Comptroller’s own words (quoted). Since 1995 the Comptroller has been authorised to accept and register Forms which are signed by both parties, without the need for documentary evidence. HMRC disapproved of a practice (introduced by the Comptroller on 24-12-98) of ignoring documentary evidence accompanying “*appropriately signed*” forms. (**Full particulars** of the disapproved-of practice are at Appendix 1, [Schedule 1](#), **Event 1**).

ANDREW HALL - STATEMENT OF GROUNDS & FACTS

12. The Claimant spent ten and a half years establishing his invention (the Conversor) to the point where the Conversor business was capitalised at £10,000,000; but he has since been seriously prejudiced and damaged, financially, professionally and personally, by the Comptroller's unlawful acts and the Defendants' obstruction.
13. Since alerting the Comptroller to problems (non-payment of royalties) on 18-06-04, and since making his first complaint to the Comptroller on 23-09-04 about the lack of evidence of assignment of the Conversor-related UK Patent No. GB2267412 in respect of a register entry the Comptroller nevertheless went ahead and made on 20-09-04, it has taken over five years of complaints, scuppered proceedings and determined investigation for the Claimant to discover what has been going on behind the Defendants' closed doors and why all his paths to justice have been obstructed.
14. The Claimant has discovered (on 08-10-08) that the Comptroller did have "*Dispute Management*" procedures ³ to prevent such false registrations being made, and that these procedures were established on account of damage to others in the past.
15. In spite of the clear evidence of deliberate falsification of the Registers and fraudulent substitution of documents by both the Comptroller and those involved in the making of the applications, the four Defendants have obstructed the Claimant.

³ The Comptroller's Dispute Management procedures have been found in IPO "Desk Instructions" and "Desk Notes" ("*section instructions*"), a list of which may be found at Appendix 2 hereto. However, these procedures play second fiddle to other (unlawful) instructions which the Comptroller has established over the years since January 1992 for his own financial benefit: The Claimant has discovered hitherto secret instructions which show that wherever there was an application which failed to meet the statutory requirements, various unlawful acts were to be carried out in order to avoid questioning the application and possibly losing a paying customer. The Claimant has discovered that those unlawful acts, once carried out, condemn the victims of the false registrations to eternal obstruction (the Comptroller being more than merely a registrar, but also the equivalent of a High Court Judge in his own court), even to the extent that the Comptroller has been prepared to cite fictitious "*standard procedure*", misrepresent the legislation, and, when challenged by the Claimant to prove his claims, substitute altered "*section instructions*", in breach of §77 Freedom of Information Act 2000, to give the impression that the fictitious "*standard procedure*" was a reality. **Full Particulars** of the falsification of the Registers and deliberate breach of the Stamp Act are set out, with reference to the evidence, in [Appendix 1](#) hereto.

ANDREW HALL - STATEMENT OF GROUNDS & FACTS

(Concise Summary of the Claimant's relations with the Defendants)

First Defendant (the Comptroller)

16. The Claimant first turned to the Comptroller on 18-06-04 for help in (i) recovering his entitlements to royalty payments, (ii) addressing matters of the UK Patent Office Registers, and (iii) preventing further loss and future disputes.

Second Defendant (HMRC)

17. The Claimant first turned to HMRC in July 2007 for help in exposing and prosecuting the Comptroller's breaches of the Stamp Act 1891 ("the Stamp Act") in making false, unlawful registrations of change of proprietorship of the IPR created by the Claimant.

Third Defendant (The Attorney General)

18. The Claimant first turned to the Attorney General on 15-04-09 under §114 Finance Act 1999 for the purposes of lending her name to proceedings which the Claimant was of a mind to bring in respect of deliberate breaches of the Stamp Act.

Fourth Defendant (The Information Commissioner)

19. The Claimant turned to the Information Commissioner under §77 Freedom of Information Act 2000 ("FOIA") on 23-02-09 for help in recovering from the Comptroller certain date information in an electronic Word Document (*IPO "section instructions"*) which the Comptroller had deceitfully altered ⁴ and substituted for the true (concealed) "*section instructions*" in force on 01-08-07. The altered Word Document contains the date of alteration, a later date than the Comptroller claimed.

⁴ The Comptroller had claimed to the Claimant on 18-10-07 that "*we have not changed our practices in this area in recent years*", and yet when later asked to disclose, under the Freedom of Information Act 2000, his "*section instructions*" as at 01-08-07 (so that the Claimant could establish whether the Comptroller had cited a fictitious "*standard procedure*" in his letter to the Claimant of 12-11-07 – itself a formal decision on review of staff training, practice and procedure), the Comptroller substituted altered "*section instructions*" on 25-07-08 in order to deceive the Claimant and give the impression that the (fictitious) "*standard procedure*" existed, when it did not. Only by hiding from the Claimant the true "*standard procedure*" could the Comptroller stitch together on 12-11-07 two incompatible false claims to defend his registrations and cover up his falsification of the Register of Patents on 20-09-04 – (i) that the registered Patents Form 21/77 was "*properly completed and signed*", and (ii) that staff were instructed to inspect all documents accompanying "*properly completed and signed*" Forms. In this way, the Comptroller tried to disguise the deliberate hiding of a defective document and the deliberate registration of a Form which was not "*properly completed and signed*" as a mere slip resulting from staff *not looking closely enough* at the documentary evidence to notice there was no evidence of assignment.

The Availability of Judicial Review ⁵

20. **The Claimant contends that** he is sufficiently interested in the matters presented for Judicial Review to be entitled to make this Application;
21. **The Claimant contends that** he has been deprived of his property, fair hearings and decisions and that the decision, review and appeals systems have been unfairly stacked against him and his companies from the moment the deliberate and unlawful acts of the Comptroller (falsification of the Register in September 2004) were done.
22. **The Claimant contends that** the Second and Fourth Defendants (HMRC and the Information Commissioner), to whom the Claimant turned to deal with the Comptroller's unlawful actions and conduct, concealed documents ⁶ and closed their minds to the clear evidence before them.

⁵ The matter of the **Relief Sought** is dealt with later, commencing at [page 25](#).

⁶ **HMRC**, in defiance of the Freedom of Information Act 2000 ("FOIA"), concealed from the Claimant the existence of letters between HMRC and the Comptroller sent in 1998, 1999 and 2000 (these were later disclosed by the Comptroller on the second time of asking under the FOIA); **The Information Commissioner** concealed his possession of an electronic Word Document (altered IPO "*section instructions*") which he discovered at the IPO on 20-05-09 (having been specifically directed to it by the Claimant's emails of 23-02-09, 04-03-09 and 05-05-09) and closed his mind to evidence therein of the date upon which "*standard procedure*" at §2.02(5) had been altered by the Comptroller such that it thereafter confirmed what the Comptroller had claimed to the Claimant on 12-11-07 with regard to "*standard procedure*". **It should be noted that** the Information Commissioner knew that the Comptroller's claims of 12-11-07 were false [Further Particulars are set out at [p.65](#)], as he also discovered on 20-05-09 "*section instructions*" dated 01-08-07 which contradicted at §2.02(5) those previously disclosed in part to the Claimant by the Comptroller on 25-07-08 (which also bore the date 01-08-07), and the Claimant had furnished the Information Commissioner with evidence that an opposite "*standard procedure*" to that claimed and disclosed by the Comptroller had prevailed since 24-12-98 and had in fact resulted in the establishment of a new standard, automatically-generated register entry "*Form 21/77 and documents filed*" as of October 2001 as a result of reservations expressed by CIPA at a meeting with the Comptroller on 24-01-01 about the "*procedure*" and what CIPA consequentially considered to be inappropriate wording "*Form 21/77 and supporting documents filed*" if the "*procedure*" to ignore documents was applied.

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23. **The Claimant contends that** HMRC was averse to bringing an action against the Comptroller for deliberate breach of the Stamp Act under §114 Finance Act 1999 because it (HMRC) had been aware since 23-03-00 that the Comptroller was going to deliberately breach the Stamp Act by registering transactions effected on or after 28-03-00 without ensuring that all and any necessary Stamp Duty had been paid in respect of all property affected by the relevant document.
24. **The Claimant contends that** it is grossly unfair and unjust that he should be trapped in such a perverse and prejudicial legal and complaints system.
25. **The Claimant contends that** it is impossible to procure justice and fairness in such perverse circumstances.
26. **The Claimant is therefore applying for Judicial Review as the appropriate means by which to deal with the individual and interactive conduct of the Defendants and bring about corrective action and relief (damages) in respect of the Defendants' various perverse and unlawful decisions, practices, procedures, rule changes, conduct, breaches of statutory duty by positive wrong-doing, and obstruction.**
27. **The Claimant contends that corrective action with regard to documents hidden from the Registers by the Comptroller since January 1992, with and without the applicants' awareness, will benefit the public and all bone fide users of the UK Intellectual Property System;**
28. **Relief, requested by the Claimant herein, will make amends for the damage done to the Claimant, in so far as money can make amends.**
29. **The Claimant contends that** he could not be reasonably expected to embark upon civil litigation against any person whilst the Comptroller and HMRC continue to conduct themselves in such a perverse manner and whilst a 15-09-03 sale agreement (with no executed counterpart) which the Claimant needs to compel the Courts to rely on and accept in evidence of breach of contract is unstamped and is in the sole possession and under the sole control of accessories to the said breach (the persons who induced their companies to breach the terms and conditions of the 15-09-03 sale agreement with the registered proprietor of the Conversor IPR, Sense-Sonic Ltd).

30. **The Claimant contends that** he, Northern Light Music Ltd and Sense-Sonic Ltd are:
- i. victims of a deceitfully-altered, perverse and unlawfully-operated registration system, altered and operated as such by the Comptroller for his benefit, and benefitting fraudsters as a foreseen consequence; ⁷ and
 - ii. victims of a perverse and unlawfully-operated legal and complaints system operated by the Comptroller, HMRC and the Information Commissioner;
31. **The Claimant contends that** it has been to all intents and purposes impossible for a person such as he to properly and fairly access justice in such circumstances where fundamental stumbling blocks have been placed by the unlawful deliberate acts of:
- a. a Registrar (the Comptroller) who:**
- i. has statutory duties to ensure the safeguarding of persons rights in, under and relating to registered IPR (such as the Claimant's and his companies');
 - ii. has procured changes to those statutory duties by deceitful means; ⁸ and
 - iii. has made bogus registrations in deliberate defiance of his statutory duties, and yet is also the Referee of first instance (giving rise to a conflict of interests);
- b. a caretaker and manager of Stamp Duty (HMRC) whose duty it is to:**
- i. bring an action in the High Court against such a Registrar, who is liable to penalty under the Stamp Act by reason of those proven deliberate acts; and
 - ii. seek, in accordance with its Prosecutors' Pledge, an Order for compensation to be paid to the victims of those proven deliberate acts, (such as the Claimant and his companies);

⁷ The Comptroller acknowledged that fraudsters would have a better chance of procuring false registrations (registrations of "*fictitious assignment*") if a change he sought to Rule 46 Patents Rules 1995 in 1999 was to be approved by the Secretary of State. In making the request for a rule-change, the Comptroller falsely claimed that his request for change was made "*for the benefit of customers*", a claim which the Comptroller knew to be false, as proved by the documentary evidence of internal IPO communications at the time of the rule change. Appendix 1, Schedule 1, Event 2 ([page 81](#)) refers, with full particulars and reference to evidence.

⁸ See Appendix 1, [Schedule 1](#), Event 2 ([page 81](#)) for full particulars of the deceitfully-procured rule change in 1999.

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c. an attorney general (the Attorney General) whose duty it is to:

- i. procure, and promptly pass on to the Claimant, a Decision from HMRC with regard to how, in HMRC's opinion, the Comptroller's liability to penalty under the Stamp Act arose; and
- ii. consider lending her name to proceedings in the High Court to serve justice on such a Registrar and on those persons involved in the preparation and presentation, to that Registrar, of false applications for registration of change of proprietorship of encumbered, unassigned intellectual property;

d. a commissioner (the Information Commissioner) whose duty it is to:

- i. prosecute under §77 Freedom of Information Act 2000, or, if out of time, assist the Police with regard to prosecuting such a Registrar who is discovered to have falsified documents and public records in order to conceal his original offences and his subsequent efforts to cover them up.

32. **The Claimant contends that** it is utterly perverse and abhorrent that the Comptroller should abuse his jurisdictional position to cover up his own unlawful conduct and pervert the course of justice, **and contends that** it is similarly perverse and abhorrent that the Comptroller should be protected from prosecution by the other Defendants on account of who he is.
33. **The Claimant contends that** it was not within HMRC's powers to select the Comptroller, of all registrars, for special treatment in 1997 and grant him immunity from penalty under §17 Stamp Act at a time when the penalty was a fixed £10 penalty for breach of §14 Stamp Act and was not discretionary.
34. **The Claimant contends that**, contrary to the message which such a perverse gift of immunity sent out, the fixed £10 penalty was not intended to be reserved as the punishment only for deliberate defiance of the Stamp Act but was rather in addition to the punishment awaiting any person found guilty of defrauding the public revenue.
35. **The Claimant contends that** it was perverse and unlawful for the Comptroller to hide and exclude a defective, unstamped sale agreement from his Register of Patents on 20-09-04, alter the standard automatically-generated wording for the register entry to give the impression that only a Patents Form 21/77 was filed for registration, and alter the wording of the standard confirmation letter to give the impression that he was unaware of the invalidity of the solitary signature on the Patents Form 21/77 for registration purposes;

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36. **The Claimant contends that** it was obscene and perverse that the Comptroller, having excluded the defective document from his registration (in an attempt to avoid being discovered to have breached of §14(4) Stamp Act), and having rejected the Claimant's valid observations on 24-09-04 with regard to the lack of evidence of assignment, should later make use of the defective document as evidence in proceedings (in breach of §14(1) Stamp Act) for the defence of his registrations, in the full knowledge that he had made false registrations by deliberate unlawful acts and that it was his responsibility, and not another Court's responsibility, to reverse the adverse effects of those unlawful acts;
37. **The Claimant summarises, below, matters relating to each of the four Defendants in turn, and thereafter sets out his request for Relief;**
38. Appendix 1 contains further particulars with reference to the evidence.
39. **The Claimant contends that** he has not delayed taking action with respect to applying for Judicial Review but rather has been obstructed by the Defendants in (i) his efforts since 12-11-07 to establish the reasons why the Comptroller made false claims in his Decision on Review of IPO staff training, procedure and practice, and (ii) his efforts to have his discoveries dealt with in the normal course of justice, by HMRC, the Information Commissioner, the Attorney General and the Police.
40. **The Claimant contends that** he has tried to take appropriate action to deal with the offences, but that the Information Commissioner and HMRC have issued bogus Decisions intended to protect the Comptroller and themselves from prosecution;
41. **The Claimant contends that** he is entitled to have the Information Commissioner's and HMRC's Decisions subjected to Judicial Review (even though the Attorney General is withholding from formally passing on HMRC's Decision with respect to whether or not the Comptroller is liable to penalty by reason of fraud);
42. **The Claimant contends that** he is not out of time with regard to the three month time limit for applying for Judicial Review of the Information Commissioner's and HMRC's Decisions, and although those Decisions relate to matters historic, this is not a valid reason for exempting those matters (the Comptroller's training, procedures, practice, Decisions and conduct), upon which those Decisions were required to be based, from Judicial Review. For completeness, a request for extension has nevertheless been filed together with this application.

The Defendants

43. **The First Defendant**, as aforementioned, is the Comptroller-General of Patents, Designs & Trade Marks and Chief Executive Officer of the UK Patent Office, T/A the UK Intellectual Property Office (“the IPO”), (hereinafter “the Comptroller”, such title to include his employees, servants and agents).
- a. **The Comptroller** is required and authorised to maintain three Registers of intellectual property rights (“IPR”), and to decide certain disputes relating thereto.
 - b. Before making an entry on the Registers in respect of change of proprietorship of IPR, the Comptroller must comply with certain statutory requirements to ensure that a transfer has taken place and that the instrument relied upon is either duly Stamped or is not required to be Stamped.
 - c. The Comptroller has defied and interfered with the statutory requirements in order to avoid rejecting non-compliant applications for registration and avoid terminating the revenue derived from registration renewal fees of up to c.£6,000.

In the Comptroller’s own words to the High Court on 09-08-07:

- d. *There are various rules governing how a person must apply to put something on the register. These are set out in the Patents Rules 1995 (and its various amendments).*
- e. *In order to register a transaction or instrument relating to a patent a person must file the appropriate form and fee (together with evidence sufficient to establish the transfer in the event that the form is not signed by the assignor of the patent). ⁹*
- f. *Before entering a transaction on the Register, the Comptroller must satisfy himself that the relevant stamp duty has been paid. ¹⁰*
- g. *...the relevant form for registering a transaction includes a declaration which must be signed by the person seeking registration. The declaration includes the statement that “any necessary stamp duty has been paid”.*

⁹ Rule 46 Patents Rules 1995 and note e of the Form 21/77 at schedule 1 thereof referred.

¹⁰ §14 and §17 Stamp Act 1891 and the Stamp Taxes Manual refer. (Appendix 1, Schedule 2 hereto refers).

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h. A declaration once made is considered sufficient for the Comptroller to register the transaction without further enquiry. ¹¹

¹¹ **The Claimant, having set out the particulars in Appendix 1 hereto, contends that:**

- (i) the Comptroller and HMRC know that the declarations are unreliable;
- (ii) it was the Comptroller who introduced the use of declarations by amendment to the Patents Rules in 1995 in order that he might preserve his registration renewal fee income stream by getting applicants onto his Register without noticing that their instruments of settlement and/or transfer were not duly Stamped;
- (iii) the Second Defendant, HM Revenue & Customs (“HMRC”), made it clear to the Comptroller throughout 1999 that it did not consider declarations to be sufficient;
- (iv) HMRC considered that the actual documents should be inspected by the Comptroller to ensure that registrations complied with the Stamp Act 1891 (“the Stamp Act”);
- (v) HMRC asked the Comptroller in 1999 not to accept the declarations, but rather to inspect the actual documents for evidence of compliance with his statutory duties under the Stamp Act, which HMRC made clear to the Comptroller in various letters;
- (vi) the Comptroller had acknowledged on 16-09-98 and on 29-11-99 that a declaration signed only by one person could result in a registration of a “*fictitious assignment*”;
- (vii) by virtue of the Stamp Act and the Patents Rules 1995 (in spite of the Comptroller’s efforts to make things otherwise and have the World believe otherwise) the Comptroller may not register (prior to 01-12-03) an application Form signed by only one person unless he registers also documentary evidence sufficient to establish the transaction (such as a copy of the assignment clearly showing the transfer of legal title and clearly showing compliance with the Stamp Act 1891 and the Finance Act);
- (viii) the Comptroller was trying to avoid seeing unstamped/false documents (short-form assignments) which undervalued patents and/or gave a false impression that no other dutiable property was transferred by the same document which affected the patents;
- (ix) the Comptroller introduced a practice on 24-12-98 (of which HMRC strongly disapproved, to no avail) for registering documents without inspection if he (Comptroller) could argue that he thought the Form was “*appropriately signed*”;
- (x) the Comptroller attempted to change the meaning of “*appropriately signed*” by deceitful amendment of Rule 46 Patents Rule 1995 in 1999 but failed to do so, in spite of the amendment’s removal of the requirement under r46(2) for the assignee to sign an unaccompanied Form – a signature which the Comptroller did not tell the Secretary of State was nevertheless required for the Form’s Stamp Duty declaration.

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- i. *An incorrect declaration is considered serious (see eg Woodhouse v Aquila [2006] RPC 1) and may constitute a criminal offence under s109 Patents Act.* ¹²

¹² The ruling is wrongly identified and was in fact Woodhouse v Architectural Lighting.

The Claimant contends that

- (i) although it is in the interests of justice and in the public interest, it is not in the Comptroller's financial interests to expose a person who has made a false declaration in order to procure registration;
- (ii) it is almost impossible, if not impossible, for a person who is prejudiced by two false declarations in one Form to have any relevant authority – IPO, Gwent Police, HMRC, Information Commissioner, or Attorney General, take the matter of false declarations seriously when the Comptroller has deliberately hidden the document which proves the declarations to be false, has done so because he suspects the declarations to be false, and has thereafter made deceitful claims and altered “*section instructions*” (which he claimed had not been altered in recent years) in order to cover up and divert attention away from his unlawful acts of falsification of the Register;
- (iii) the Claimant is sufficiently interested in the practices of the Comptroller to make this application for Judicial Review of the herein-and-hereto-mentioned rule changes and practices by which the Comptroller has deliberately avoided compliance with his statutory duties and by which he has perverted the course of justice and caused the Claimant such extensive damage, loss and suffering;
- (iv) the Comptroller did not have a “*standard procedure*” as claimed in his letter to the Claimant of 12-11-07, but rather made such a false claim in order to give the impression that the unstamped sale agreement (which it was later discovered he, the Comptroller, had in fact hidden from the Register) was thought to be evidence of assignment and was not inspected because staff took the accompanying Form 21/77 to be complete evidence of assignment (which clearly it was not);
- (v) the Comptroller's claims with respect to the acceptability of the Form 21/77 and his staff's failure to notice any defects in the mutilated copy of an unstamped sale agreement are clearly false and known by him to be false, as had staff taken the Form 21/77 to be acceptable, the true standard procedure (as of 24-12-98) was to ignore the accompanying document and register both the Form and the document in the standard way, using the standard, automatically-generated wording for the register entry “*Form 21/77 and documents filed*” and a standard confirmation letter referring to the designation of the signature on the Form and the need for further action on the part of the applicant.

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44. **The Second Defendant**, as aforementioned, is Her Majesty's Revenue & Customs, (formerly Inland Revenue, hereinafter "HMRC", such title to include its employees, servants and agents).
- i. **HMRC** is responsible for the assessment and collection of Stamp Duty on dutiable documents used to effect the sale and transfer of interests in property;
 - ii. According to the Stamp Taxes Manual (as amended 2002), *"Stamp Duty is under the care and management of the Board of Inland Revenue"*;
 - iii. HMRC has a duty to determine whether a person is liable to penalty under §17 Stamp Act in cases where an entry, enrolment, record or registration has been made by a registrar without the necessary Stamp Duty having been paid;
 - iv. The Claimant discovered in April 2009 that HMRC has a right under §114 Finance Act 1999 to bring an action in the High Court against any person who commits a fraud which gives rise to a liability to penalty under the Stamp Act;
 - v. HMRC, having issued a Decision on 30-10-08 that the Comptroller is liable to penalty under §17 Stamp Act for breach of §14 Stamp Act, has a duty to truthfully issue a further Decision as to whether, in its opinion, the liability to penalty has arisen by reason of fraud and to issue such a Decision to the Attorney General (the Third Defendant) upon request in order that the Attorney General may consider lending her name to proceedings on application of another person under §114 Finance Act 1999 in the event that HMRC cannot, or will not, use its right of action thereunder;
 - vi. HMRC was asked by the Attorney General in May 2009, on application of the Claimant on 15-04-09, to issue a Decision as to whether, in its opinion, the Comptroller's liability to penalty under §17 Stamp Act arose by reason of fraud;
 - vii. It should be noted that HMRC had received from the Claimant a detailed statement, evidence index and hyperlinks to on-line evidence of fraud on 05-11-08, and had been involved in the matter of the bogus registrations and the unstamped sale agreement since July 2007;

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viii. In spite of the compelling evidence of fraud and cover-up submitted to HMRC by the Claimant, and in spite of HMRC's own file in respect of its dealings with the person who, by persistent and deceitful claims, had attempted in 2007 and 2008 to procure from HMRC a declaration that the 15-09-03 sale agreement was not dutiable, HMRC issued a Decision to the Attorney General through its Solicitors at some time in or around July 2009 that, in its opinion, there had been no fraud; ¹³

¹³ **The Claimant, on the basis of full particulars at Appendix 1, Sch. 1, Event 3, contends that:**

- (i) HMRC has obstructed the Claimant and has done so because there is evidence, which HMRC denied existed, but which the Claimant nevertheless discovered in May 2009, which shows that HMRC knew in advance that the Comptroller would register transactions effected on or after 28-03-00 in breach of §14 Stamp Act and in defiance of §17 Stamp Act and did not take action to prevent such breaches;
- (ii) HMRC had suggested to the Comptroller on 23-03-00 that “*more astute practitioners*” would quickly appreciate that preparing separate documents for settlement and transfer of IP and other dutiable property would avoid problems with registration;
- (iii) HMRC, having studied the documentary evidence provided by the Claimant in 2007 and 2008, is fully aware that it was the clear intention of the Solicitors on both sides of the 15-09-03 sale agreement that separate documents be prepared for the settlement and transfer of property which may only be legally transferred by way of assignment and that upon executing only one embodiment of the sale agreement, the buyers took all of SSL's assets without executing the necessary assignments which their Solicitors had specifically prescribed by amendment to clause 4.5 on 11-09-03 and had followed up with a Memorandum, sent to the buyers and potential investors at 7pm on 11-09-03, informing them of the Stamp Duty liability which the buyers were to be contractually obliged to pay by virtue of clause 13.2 (an unenforceable contractual obligation, as the sale agreement is inadmissible in evidence, being unstamped, and there is no counterpart for the Claimant to present for Stamping;
- (iv) HMRC is fully aware that the certified copies of the sale agreement in its possession are genuine articles which could be subjected to Adjudication and Stamping under and pursuant to §12 Stamp Act;
- (v) HMRC have avoided issuing a Formal Notice of Decision on Adjudication of the sale agreement by misrepresenting the Claimant's allegations and feigning doubts as to the authenticity of the certified copies when all the Claimant has alleged is that seven pages were deliberately removed by the buyers' Solicitors from a certified copy thereof prior to presentation to patent agents and the Comptroller as purported evidence of an assignment (which clearly it was not). **HMRC therefore suspects fraud.**

45. **The Third Defendant**, as aforementioned, is the Attorney General (hereinafter “the Attorney General”, such title to include her employees, servants and agents).
- i. **The Attorney General** is required under §114 Finance Act 1999 to consider lending her name to proceedings arising from liabilities to penalty under the Stamp Act where the liability in the opinion of HMRC has arisen by reason of fraud by the person who is liable to penalty and/or by any other person;
 - ii. The Claimant wrote to the Attorney General on 15-04-09 seeking the agreement of the Attorney General to lend her name to proceedings under §114 Finance Act 1999;
 - iii. The Claimant provided the Attorney General with his reasons for wishing to bring proceedings against the Comptroller and all those involved in the falsification of IPO Registers in September 2004 under §114 Finance Act 1999;
 - iv. The Attorney General agreed on 30-04-09 to seek a decision from the HMRC, without which no decision could be made by the Attorney General to lend her name to proceedings;
 - v. The Attorney General was fully aware of the allegations of fraud and was aware that HMRC had been furnished with considerable evidence of fraud – deliberate acts of the Comptroller intended to avoid losing customers as a result of non-compliance with the Stamp Act;
 - vi. The Attorney General was also aware that HMRC had a conflict of interests in that evidence had been discovered by the Claimant showing that HMRC had known in advance that the Comptroller was going to act in defiance of the Stamp Act and register transactions after 28-03-00 which should not be registered;¹⁴
 - vii. The Attorney General received HMRC’s Decision some time in or around July 2009 and repeatedly promised and repeatedly failed to convey that Decision to the Claimant;

¹⁴ Full particulars of HMRC’s knowledge are set out at Appendix 1, Schedule 1, Event 3 (page 84).

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- ix. **The Claimant contends that** the Attorney General does not want the Claimant to challenge HMRC's Decision because she suspects or believes that Decision to be false but is not empowered to "*challenge that Decision*" or "*go behind that Decision*" (the Attorney General's words);
- x. **The Claimant contends that** the Attorney General had made a decision to avoid putting HMRC's decision on a public formal footing by not writing to the Claimant as she was otherwise required to do under the circumstances;
- xi. **The Claimant contends that** the Attorney General hoped that the Claimant would drop the matter without the formal Decision of HMRC having to be passed on to him in a formal manner;
- xii. **The Claimant contends that** the Attorney General, having repeatedly apologised for "tardiness" in not writing to the Claimant as promised each time the Claimant rang to press for the promised yet elusive letter, has more recently realised that the matter is not going to be dropped by the Claimant and that the Claimant will not rest until the HMRC's perverse and bogus Decision has been exposed for what it is;
- xiii. As a result of this realisation, the Attorney General, instead of simply writing to the Claimant and letting him get on with challenging HMRC's Decision, has sought to delay the Claimant further by attempting to re-open the matter with HMRC.
- xiv. **The Claimant contends that** the Attorney General tried to keep from him the reason why she has now made further enquiry of HMRC and what that enquiry entails; ¹⁵ nevertheless, the Attorney General has claimed that nothing turns on her further enquiry and that no change in HMRC's Decision has been sought or anticipated;

¹⁵ It is in fact a repeat of the enquiry as set out in the Attorney General's email to the Claimant dated 30-04-09 – *how was the Second Defendant's decision arrived at?* **The Claimant contends that** the answer to such a question must be:- *by turning a blind eye to the documentary evidence in its (HMRC's) own files and in the files submitted by the Claimant.*

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- xv. **The Claimant contends that** the Attorney General's decision not to formally and promptly declare HMRC's Decision to the Claimant is unfair, obstructive and perverse, and that as the Attorney General cannot challenge or go behind HMRC's Decision, the proper course of action was to formally declare the Decision to the Claimant upon receipt several months ago and not to withhold the Decision indefinitely and then attempt to reopen the matter under false pretences when it appeared that indefinite withholding of HMRC's Decision was not going to have the desired effect of causing the Claimant to drop the matter;
- xvi. **The Claimant therefore contends that** he is entitled to challenge HMRC's Decision at Judicial Review on the basis of it being clear that the Decision was a considered and final Decision issued through HMRC's Solicitor.
- xvii. **The Claimant contends that as HMRC clearly has a conflict of interests ¹⁶ which affects its ability to deliver a bona fide Decision, it is in the interests of Justice that the Decision as to whether the Comptroller's liability to penalty under §17 Stamp Act has arisen by reason of fraud be reviewed and re-made for HMRC by the Court under Judicial Review.**
- xviii. **The Claimant contends that** both the Comptroller and HMRC were fully aware of the serious problems and injustice that unstamped documents can cause in civil litigation, ¹⁷ and yet the Comptroller and HMRC were prepared to turn a blind eye to such consequences and cause a victim, such as the Claimant, to suffer serious loss and damage rather than tell the truth and own up to what they had jointly and severally done to undermine the statutory requirements which are supposed to protect the likes of the Claimant and ensure that evidence is true and admissible.

¹⁶ The conflict of interest stems at least from the Comptroller's defiant Stamp Duty Notice which HMRC "cleared" on 23-03-00 by either negligence or complicity. The Notice was published by the Comptroller on 24-03-00 and the Comptroller made unlawful registrations thereafter, safe in the knowledge that HMRC would not pursue him for the breaches of the Stamp Act which would certainly arise as a result of the practice set out in the Notice.

¹⁷ See Coflexip Stena Offshore Ltd's Patent [1997] RPC 179. An unregistered unstamped assignment was not allowed to be used in evidence to expose a later registered Stamped document * to be void (* incorrectly stamped, it turns out, as it was not in fact a dutiable document of transfer).

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46. **The Fourth Defendant**, as aforementioned, is the Information Commissioner, (hereinafter “the Information Commissioner”, such title to include his employees, servants and agents).
- i. **The Information Commissioner** is responsible for investigating the withholding of information in breach of §77 Freedom of Information Act 2000 and for prosecuting persons who are found to have altered and or substituted documents in order to conceal information and disclose false information;
 - ii. **The Claimant contends that** the evidence necessary to secure a prosecution under §77 Freedom of Information Act 2000 or by the CPS has been concealed by the Information Commissioner in order to protect the Comptroller from prosecution;
 - iii. **The Claimant contends that** he would not have reported the matter to the Gwent Police on 28-05-09 had he not been told by the Information Commissioner that the evidence (“*section instructions*” in the form of a Microsoft Word Document of the file name Pat Ass DN Ver3.doc) had been left behind at the IPO on 20-05-09 and had not been recovered and preserved by the Information Commissioner;
 - iv. The Claimant discovered that the Information Commissioner had substituted a pdf called Pat Ass DN Ver3.pdf in place of an electronic copy of Pat Ass DN Ver3.doc, falsely claiming the former to be a copy of the latter, which it was not;
 - v. The Information Commissioner made the unwitting mistake of printing from the latter – the document it claimed not to possess – thinking it to be identical in text content to the former (pdf), which it was not, and sending the printed document to the Claimant on 22-06-09 with a letter (Decision) closing the investigation for a claimed lack of evidence and yet stating blatantly bogus dates for the creation of the “*section instructions*”;
 - vi. **The Claimant contends that** the reason why the Comptroller and the Information Commissioner have obstructed the Claimant and the Police with regard to disclosure of the Microsoft Word Document of the file name Pat Ass DN Ver3.doc is because, unlike the disclosed pdf, the Word Document is electronically date-stamped and contains data which proves the Claimant’s allegations of late alteration (after the repeatedly-claimed date of 01-08-07) and deliberate, fraudulent substitution (to hide the actual practice of ignoring documents which have been filed by applicants together with “*appropriately signed*” Forms);

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- vii. **The Claimant contends that** there is already a wealth of evidence in the possession of the Information Commissioner showing that the Comptroller has acted deliberately and unlawfully and has made false claims in respect of (i) register administration, and (ii) the content of “*section instructions*” as at 01-08-07, in order to cover up his deliberate, unlawful acts;
- viii. **The Claimant contends that** the Comptroller made incompatible claims to the Claimant on 18-10-07 and 12-11-07 of, on the one hand, not having changed his practices in this area in recent years and, on the other hand, having a practice at 01-08-07 to inspect all documents filed by applicants for registration; ¹⁸
- ix. **The Claimant contends that** a bona fide investigator would, like the Lancashire Constabulary, see a need to inspect the Word Document (altered “*section instructions*”) for the date of alteration, and seek evidence of its implementation by the Comptroller on the date he claims it to have been issued to staff; but both the Information Commissioner and the Gwent Police have shut their eyes, ears and minds to such a clearly vital inspection of evidence.
- x. **The Claimant contends that** so obvious is it that the Word Document concealed by the Information Commissioner is a deceitful substitute for the actual “*section instructions*” as at 01-08-07 that there can be no other reason for the Information Commissioner and the Gwent Police to dismiss it as irrelevant than that they suspect the allegations of fraudulent substitution to be true and do not want to have the allegations proved by the evidence that is held within the electronic Word Document itself – the date upon which §2.02(5) was altered from “ignore” to “scan”.
- xi. **The Claimant contends that** the decision of the Information Commissioner to close his investigation into the substitution of altered “*section instructions*”, not created on 01-08-07 as otherwise repeatedly claimed by the Comptroller, was perverse and bogus and that the Information Commissioner’s Decision on Review of the Decision of 22-06-09, which was issued to the Claimant by the Information Commissioner on 04-09-09, was perverse & bogus. **Review is therefore sought.**

¹⁸ Practice is shown in other “*section instructions*” bearing the dates 15-06-05 and 01-08-07 to ignore documents accompanied by Forms signed in accordance with all of the Statutory requirements for registration. Clearly, the date of alteration is highly relevant to proceedings.

Summary of Grounds & Facts (refers to Appendix 3, Annex 3) ¹⁹

47. The Claimant contends that HMRC:

- i. clearly warned the Comptroller about his statutory duty and obligation in respect of the Stamp Act; ²⁰
- ii. holds the hybrid 15-09-03 sale agreement to be dutiable, unregistrable and inadmissible in evidence; ²¹
- iii. holds the Comptroller liable to penalty for breach of §17 Stamp Act 1891; ²²
- iv. will **not** act against the Comptroller under §17 Stamp Act 1891 or under §114, schedule 17 Finance Act 1999, nor provide true information necessary for the Attorney General to consider lending her name to proceedings;
- v. Approved on 23-03-00, whether by collusion with the Comptroller, or by negligence, a Notice establishing the unlawful procedure by which the unregistrable mutilated copy of the 15-09-03 sale agreement was excluded, without question, from the Register of Patents on 20-09-04, and a “*fictitious assignment*” was registered on the basis on just one, invalid, signature. ²³

48. The Claimant contends that the Comptroller has been aware of his breach of statutory duty and positive wrongdoing in respect of the Register of Patents for GB2267412 from the outset, **not least by reason of:**

- i. his **non-standard register entry** “*Form 21/77 filed*” ²⁴
- ii. his **non-standard confirmation letter**, ²⁵

and has sought to cover it up with false claims, such as those made on 12-11-07, thereby rendering the Comptroller liable to pay additional damages to the Claimant.

¹⁹ Appendix 3, Annex 3 contains 183 highlighted Extracts from Exhibits

²⁰ [See Extracts #9, #10 & #176]

²¹ [See Extracts #104 & #160-163]

²² [See Extracts #9, #10, #25, #27, #104 & #160-163]

²³ [See Extracts #154-156] The intention to breach is expressed in para. 1 of **Extract #156**

²⁴ [See Extracts #131]

²⁵ [See **Extract #130**] - the reference to box 6 (signatory’s status) has been deleted from the standard wording [see **Extracts #132 & #172** for standard wording]

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49. **The Claimant contends that**, but for the Comptroller's long-established avoidance strategy with respect to Stamp Duty and his duties and obligations in respect thereof, the registrations he made in September 2004 in respect of the Patent GB2267412, the Registered Designs No.2022759 and No.2027609 and the Trade Mark No.1488225 would not have survived the first complaints made by the Claimant on 23rd and 24th September 2004 (during the period for making such observations by invitation of the Comptroller), but rather would have been necessarily corrected under the Dispute Management Procedures set out in the Desk Instructions. ²⁶
50. **The Claimant contends that** the Comptroller, has defended his bogus registrations by deceit, with false claims and further positive wrongdoing;
51. **The Claimant contends that** the Comptroller has not been acting in this way *solely* to defend the four 2004 registrations; **the Claimant contends that** the Comptroller has acted in this way because the registrations were made by wilful and purposeful breach of statutory duty and positive wrongdoing which was not restricted to only the aforementioned IPR, but was rather a product of set procedures, some going back at least to January 1992, which the Comptroller has been, and indeed is still to this day, desirous to conceal, most particularly by seeking to ruin the Claimant, destroying his Patent in defiance of §33(4) and §75 Patents Act 1977 and issuing false decisions with respect to the correction and rectification of the Registers;
52. **The Claimant contends that** he has been seriously prejudiced by the Comptroller's refusal to tell the truth and put right all that he did wrong;
53. **The Claimant contends that** he has been seriously prejudiced by the Comptroller's and HMRC's combined involvement in the establishment of the procedure by which unstamped hybrid agreements (mixed-property agreements) have been excluded from the Registers and the claimed transactions registered without question; ²⁷
54. **The Claimant contends that** the Comptroller has deprived him and his companies of fair free legal processes by which their claims could be properly dealt with.
55. **The Claimant contends that** as a consequence of the Comptroller's torts the Claimant has suffered serious loss and injury by unlawful means and seeks damages.

²⁶ [Extracts #54-57]

²⁷ The Comptroller's Notice of 24-03-00 refers. [See Extracts #154-156].

Relief - Application for Declarations ²⁸

56. INDEX OF DECLARATIONS

- (1) **One Declaration with respect to:** Registering transactions in defiance of the Stamp Act 1891;
- (2) **One Declaration with respect to:** Hiding documents filed by applicants as evidence for registration;
- (3) **One Declaration with respect to:** Registering bogus, substitute documents as evidence of assignment;
- (4) **Four Declarations with respect to:** Amending Rule 46 Patents Rules 1995 on 22-12-1999 by deceit;
- (5) **Two Declarations with respect to:** The Comptroller's Falsification of the Register of Patents on 20-09-04 – involving: **(i)** hiding defective documentary evidence and registering a Form 21/77 bearing only one signature; **(ii)** altering the wording on the Register of Patents for GB2267412 to conceal the applicant's filing of (defective) documentary evidence; and **(iii)** altering the wording of the "*confirmation letter*" (PAA1) to conceal his knowledge of the insufficiency of the solitary signature on the registered Form 21/77;
- (6) **Two Declarations with respect to:** The Comptroller's acceptance of a signature on an official application Form of a person who merely provides, or has merely provided, a contact address (an "*address for service*") in respect of the registered patent in place of the assignor's signature, the assignee's signature, or an identifiable, registered agent's signature; and the need for the proper appointment and registration of agents under Rule 90 Patents Rules 1995;
- (7) **One Declaration with respect to:** The Comptroller's Decision of 12-11-07 on Review of his staff training, procedure and practice;

²⁸ Relief in the form of damages is sought by the Claimant also, and the request for Orders in respect of damages is set out hereinafter, below, with further particulars in support of the claim for damages set out at Appendix 1 hereto, [page 74](#).

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- (8) **Two Declarations with respect to:** The Comptroller's substitution and bogus disclosure under the Freedom of Information Act 2000 of altered "*section instructions*" (dated 01-08-07, but now discovered to have been created at a later date) to replace "*section instructions*" (dated 01-08-07 and now known to have been created on 28-07-07) which contradicted, rather than confirmed, the Comptroller's claims in his Decision on Review of his staff training, procedure and practice;
- (9) **Ten Declarations with respect to:** The inability of the Claimant to get a fair hearing before the Comptroller or in any Court, on account of the Comptroller's abstinence from (i) admitting to his unlawful conduct in the matter of the registration of fictitious assignments of Sense-Sonic Ltd's intellectual property rights in September 2004; (ii) telling the truth, the whole truth and nothing but the truth, (iii) correcting all things within his powers to correct, and (iv) declaring his conflict of interests in the matters put before him by the Claimant.
- (10) **Four Declarations with respect to:** HMRC's recent Decision, of date unknown, (issued to the Attorney General in respect of §114 Finance Act 1999 some time after 01-05-09 and withheld from the Claimant by the Attorney General) - that the Comptroller's liability to penalty under §17 Stamp Act 1891 in respect of his registration of change of proprietorship of intellectual property created by the Claimant did not in the opinion of HMRC arise by virtue a fraudulent act by the Comptroller and/or another person - was made unlawfully and should have been passed on to the Claimant by the Attorney General so that he might challenge HMRC's Decision.
- (11) **Six Declarations with respect to:** The Information Commissioner's Decision of 22-06-09, Reviewed on 04-09-09, in which he declared that it was not possible for him to procure evidence to prove, beyond reasonable doubt, that the Comptroller had attempted to keep from the Claimant the true IPO "*section instructions*" as at 01-08-07 in spite of the fact that the Comptroller altered his "*section instructions*" after 01-08-07 and substituted such altered "*section instructions*" for the true "*section instructions*" as at 01-08-07, having claimed there to have been no alteration in recent years and claiming that the disclosed "*section instructions*" existed and were in force on 01-08-07, when they were not.

57. DECLARATIONS SOUGHT BY THE CLAIMANT

(1) Registering transactions in defiance of the Stamp Act 1891:

A declaration that the Comptroller's Notice of 24-03-00 with regard to §129 Finance Act 2000, in which he declared that he would register transactions effected on or after 28-03-00 without ensuring that documents upon which Stamp Duty should have been paid, actually had been paid, was ultra vires §14 and §17 Stamp Act 1891, and was known by the Comptroller and HMRC to be ultra vires and to be likely to result in false and invalid registrations of change of proprietorship. ²⁹

(2) Hiding documents filed by applicants as evidence for registration:

A declaration that the Comptroller's written instruction to his register administration staff, introduced to "*section instructions*" in January 1992, to hide "*main agreements and licences*" in "*Not Open to Public Inspection pink jackets*", and his later written warning therein that "*reference should be made to the Freedom of Information Act. It will be harder for us to keep something confidential if placed on a NOPI jacket, if someone then requests a copy of it*", are ultra vires §14 and §17 Stamp Act 1891 with regard to the Comptroller's statutory obligation to ensure that all and any necessary Stamp Duty has been paid, where it is due, before making any entry, record, enrolment or registration in respect of any transaction affecting a registered patent, design or trade mark, and constitute an inducement to falsify the Register ultra vires §109 Patents Act 1977. ³⁰

²⁹ Appendix 1, Schedule 1, Event 3 refers.

³⁰ §4.02 Reg Admin Desk Instructions refers. [Extracts #43-47].

(3) Registering bogus, substitute documents as evidence of assignment:

A declaration that the Comptroller's written instruction to his register administration staff, introduced to "*section instructions*" on 24-05-99, to register "*short-form assignments*" as "*such documentary evidence as suffices to establish the transaction*" in the knowledge or suspicion that "*an earlier (un-exhibited) document transferred title*" (and is therefore to be necessarily filed in evidence of assignment), and instructing staff not to enter the earlier "*effective date*" of the actual unseen assignment on the Register of Patents if asked to do so by the applicant (such written instruction being given on stated grounds that the earlier document might be unstamped, might not be properly executed and should not therefore be called for by staff under Rule 46(3)), is ultra vires Rule 46 Patents Rules 1995 and §14 and §17 Stamp Act 1891 and is a deliberate attempt on the Comptroller's part to procure new paying customers irrespective of the prohibitive statutory requirements, and to procure new paying customers without rejecting those customers who would be unable or unwilling to pay Stamp Duty and/or execute legitimate assignments. ³¹

(4) Amending Rule 46 Patents Rules 1995 on 22-12-1999 by deceit:

(a) A declaration that the amendment to Rule 46 Patents Rules 1995 on 22-12-99, to remove the statutory requirement for two signatures to be present on an application Form 21/77 to register an assignment of patent without documentary evidence, was procured by the Comptroller by deceitful means, namely, misrepresenting to the Secretary of State the options available to applicants ("*customers*") for registration of assignments by claiming that an application must be signed by both parties to the assignment when this was not the case, as both (i) Rule 46, as of a previous amendment in 1995, and (ii) the Patents Form 21/77 at Schedule 1 of said Rules, already provided that "*documentary evidence sufficient to establish the transaction*" may be filed together with a Form 21/77 signed by fewer of the parties, thereby justly burdening the Comptroller with the expected duties of a registrar to inspect documentary evidence filed by applicants to ensure that the rights have transferred and that all and any necessary Stamp Duty has been paid. ³²

³¹ §4.12 Reg Admin Desk Instructions refers. [Extract #42].

³² The Regulatory Impact Assessment dated 29-11-99, Patents Directorate Instruction 3/99 and internal IPO emails refer. [Appendix 1, Schedule 1, Event 2, page 81 refers].

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(b) A declaration that the amendment to Rule 46 Patents Rules 1995 on 22-12-99, by reference to the Comptroller's Procedural Change Notice of 24-12-1998 in respect of the inspection of documentary evidence and by reference to the Comptroller's Draft and Final Regulatory Impact Assessments of 16-09-1998 and 29-11-1999 respectively, was sought by the Comptroller to enable him to register transactions without inspecting documentary evidence filed by applicants. ³³

(c) A declaration that the amendment to Rule 46 Patents Rules 1995 on 22-12-1999 was sought for the Comptroller's benefit, and, by reference to Patents Directorate Instruction 3/99 and IPO emails dated 21-12-1999, was known by the Comptroller not to deliver the claimed "*benefit to customers*" whatsoever, by reason that an application to register an assignment of patent, if not accompanied by documentary evidence, must (at least until 31-11-03 ³⁴) be signed by at least the assignor (or his agent, if he has one) to confirm that title has been transferred and must be signed by at least the assignee (or his agent, if he has one ³⁵) to confirm that all and any necessary Stamp Duty has been paid.

(d) A declaration that, by reference to the Patents Directorate Instruction 3/99 requiring two signatures on an application for registration of an assignment, in spite of the change to Rule 46 Patents Rules 1995 on 22-12-1999, the foreseen "*risk*" in the Regulatory Impact Assessment dated 29-11-1999 that a "*fictitious assignment*" could be registered as a result of registering an application signed by only one person was not "*outweighed by the (claimed) benefit to customers*" by reason that it was not legitimate to register a change of ownership of a patent on the basis of an application (Form 21/77 ³⁶) bearing only one signature. ³⁷

³³ Appendix 1, Schedule 1, Events 1 & 2 refer

³⁴ Stamp Duty was reformed on 01-12-03.

³⁵ Box 6 of the Patents Form 21/77 refers. Rule 90 Patents Rules 1995 refers. [Extracts #1-4, Appendix 3, Annexes 2 & 3 refer]

³⁶ Rule 46(1) Patents Rules 1995 refers.

³⁷ Appendix 1, Schedule 1, Event 2 refers.

(5) The Comptroller's Falsification of the Register of Patents on 20-09-04 – involving: (i) hiding defective documentary evidence and registering a Form 21/77 bearing only one signature; (ii) altering the wording on the Register of Patents for GB2267412 to conceal the applicant's filing of (defective) documentary evidence; and (iii) altering the wording of the “*confirmation letter*” (PAA1) to conceal his (Comptroller's) knowledge of the insufficiency of the solitary signature on the registered Form 21/77:

(a) A declaration that the Comptroller falsified the Register of Patents on 20-09-04, contrary to §109 Patents Act 1977, by deliberately making an entry on the Register of Patents for GB2267412 which concealed the fact that the applicant for registration had filed both (1) a Form 21/77, not signed by the registered proprietor (but rather by a person identified at box 6 of the Form 21/77 as acting on instruction of the applicant for registration) and (2) a document (purported documentary evidence of assignment) which failed to meet either of the statutory requirements **(i)** for evidence sufficient to establish the transaction and **(ii)** for evidence of compliance with the Stamp Act 1891. ³⁸

(b) A declaration that the Comptroller has been operating an unlawful practice ³⁹ to conceal his knowledge or suspicion that a registered Form 21/77 bearing only one signature (and unaccompanied on the Register by any documentary evidence ⁴⁰) is not signed by or on behalf of the registered proprietor, by altering the wording of his standard “*confirmation letter*” (PAA1) so as to remove the reference therein to “*the entry at box 6*” of the Form 21/77 in circumstances where box 6 contains information

³⁸ Appendix 1 refers.

³⁹ Evidence of the practice is displayed in the second register entry on the Register of Patents for GB2267412 on 20-09-04 and in the Comptroller's non-standard confirmation letter dated 20-09-04 in respect thereof. (see footnote below).

⁴⁰ Whether absent from the Register by virtue of concealment of such documentary evidence by the Comptroller, or by virtue of the applicant having filed only a Form 21/77.

identifying the person who has signed box 7 of the Form 21/77 as signing for the applicant rather than for the registered proprietor; such an unlawful practice being (i) ultra vires Rule 46 Patents Rules 1995 (as at 20-09-04) if the solitary signature is not made by or on behalf of the registered proprietor, and (ii) ultra vires §14 and §17 Stamp Act 1891 if the solitary signature is not made by or on behalf of an assignee of the patent. ⁴¹

(6) The Comptroller's acceptance of a signature on an official application Form of a person who merely provides, or has merely provided, a contact address (an "*address for service*") in respect of the registered intellectual property rights in place of (i) the assignor's signature, (ii) the assignee's signature, or (iii) an identifiable, registered agent's signature; and the need for the proper appointment and registration of agents under, for example, Rule 90 Patents Rules 1995:

(a) A declaration as to whether or not the Comptroller has acted ultra vires Rule 4, Rule 46 and/or Rule 90 Patents Rules 1995 as at 20-09-04 in accepting a signature on a Form 21/77 of a practitioner who was not appointed or registered as agent in accordance with Rule 90 Patents Rules 1995.

(b) A declaration that "*further action*", referred to in unaltered standard confirmation letters (PAA1), which is stated therein to be "*necessary*" if "*the entry at box 6*" of the Form 21/77 does not "*merely confirm[s]*" that "*the address for service on the register [of Patents] is correct*", ⁴² is "*further action*" to complete, file and register a Patents Form 51/77 effecting an appointment of agent.

⁴¹ Appendix 1 refers. Standard and altered confirmation letters are presented at Appendix 3 Annex 3, [See **Extract #130**] - the reference to box 6 (signatory's status) has been deleted from the standard wording [see **Extracts #132 & #172** for standard wording].

⁴² See footnote above for references to standard and altered confirmation letters.

(7) The Comptroller's Decision of 12-11-07 on Review of his staff training, procedure and practice:

A declaration that the Comptroller's Review of staff training, practice and procedure, completed on 12-11-07, in response to an acknowledged formal complaint by the Claimant, resulted in **false declarations by the Comptroller** in his formal response to the Claimant of 12-11-07 with respect to (i) "*standard procedure*" (a purported requirement to inspect all documentary evidence filed by applicants), (ii) the purported acceptability of Patents Forms 21/77 bearing only one signature, (iii) the purported content of "*section instructions*", which were declared by the Comptroller to "*confirm*" the findings of his Review, (iv) what the Comptroller's staff made of the disputed applicant's Form 21/77 and the documents filed by the applicant therewith, and (v) what the Comptroller's staff did with the applicant's Form 21/77 and the accompanying purported documentary evidence of assignment on 20-09-04. ⁴³

(8) The Comptroller's substitution and bogus disclosure to the Claimant under the Freedom of Information Act 2000 of altered "*section instructions*" (bearing a personally-inputted date of 01-08-07, but now discovered to have been created at a later date) to replace concealed, unaltered "*section instructions*" (dated 01-08-07 and now known to have been created on 28-07-07) which contradicted, rather than confirmed, the Comptroller's claims in his 12-11-07 Decision on Review of his staff training, procedure and practice:

(a) A declaration that the Comptroller acted deceitfully and prejudicially towards the Claimant by withholding "*section instructions*" dated 01-08-07 which contradicted the Comptroller's disclosed findings in his Review of 12-11-07 and substituting them with altered section instructions dated 01-08-07 (which did not exist until a later date and were not therefore the requested "*section instructions as at 01-08-07*") which appeared to confirm the disclosed findings of the Comptroller's Review with respect to the inspection of documentary evidence.

⁴³ Appendix 1 refers.

(b) A declaration, to be made on the basis of this honourable Court's discovery of the yet-to-be-truthfully-disclosed date upon which the Comptroller altered his "*section instructions*" dated 01-08-07 at §2.02(5) (filename, "Pat Ass DN Ver3.doc"), as to whether the Comptroller's declaration of 18-10-07 that "*our practices in this area have not changed in reason years*" was, at that time, true or false, and whether **(A)** the disclosed 01-08-07 "*section instructions*" had been altered before the Comptroller's Decision of 12-11-07 on Review of staff training, practice and procedure – in which case he would have known his claims of 12-11-07 with regard to "*standard procedure*" as at 20-09-04 to be false – or whether **(B)** the 01-08-07 "*section instructions*" had been altered during or after the Comptroller's Decision of 12-11-07 on Review of staff training, practice and procedure – in which case he made the alteration in order to deceive the Claimant and sustain his false claim of 12-11-07 that staff had assumed on 20-09-04 that they had received documentary evidence of an assignment.

(9) The inability of the Claimant to get a fair hearing before the Comptroller or in any Court, on account of the Comptroller's abstinence from and aversion to (i) admitting to his unlawful conduct in the matter of the registration of fictitious assignments of Sense-Sonic Ltd's intellectual property rights in September 2004, (ii) telling the truth, the whole truth and nothing but the truth, (iii) correcting all things within his duty and powers to correct, and (iv) declaring his conflict of interests:

(a) A declaration that, because the Comptroller falsified the Register of Patents on 20-09-04 by:

(i) deliberately spiriting away from the Register of Patents for GB2267412 a defective document which he knew or suspected ⁴⁴ to be prohibitive of registration, and

(ii) registering only a defective Patents Form 21/77 which he knew or suspected was not signed by or on behalf of the registered proprietor,

the Claimant has been deprived of fair hearings in matters relating to and/or affected by the Comptroller's bogus registrations thereafter.

⁴⁴§109 CIPA Guide refers. See Appendix 1, Schedule 3, [page 91 para 231](#).

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- (b) **A declaration** that the Comptroller, in falsifying the Register of Patents for GB2267412 on 20-09-04, created for himself a serious conflict of interests which he has endeavoured, by deceitful means, to keep secret, and which he would surely have known would prejudice the Claimant and his companies in any Court by reason that he (Comptroller) would not voluntarily admit to having acted deceitfully and unlawfully, nor to being responsible for putting, and maintaining, a falsely-named company on his Registers as proprietor of Sense-Sonic Ltd's intellectual property rights without an assignment and without paying Stamp Duty.
- (c) **A declaration that the Comptroller's unlawful actions on 20-09-04** gave rise to the very issues which he later cited in 2007 as reasons for declining to deal with Entitlement Proceedings brought by the Claimant's company Northern Light Music Ltd with respect to unpaid royalties and which (proceedings) the Comptroller knew from the outset would not go in the Claimant's favour, as the truth, the whole truth and nothing but the truth would necessarily require the Comptroller to show his hand in the falsification of the Register of Patents for GB2267412 on 20-09-04.
- (d) **A declaration** that the Comptroller's Decision not to correct the Register of Patents for GB2267412 on 05-02-08 was perverse and unlawfully made in the full knowledge that he himself had falsified the Register on 20-09-04 by excluding and concealing from the Register a document which he (Comptroller) considered to be defective and prohibitive of registration.
- (e) **A declaration** that the Comptroller unlawfully interfered in May 2008 with the Review by a Senior Officer of his Decision of 05-02-08 not to correct the Register of Patents for GB2267412 ⁴⁵ by terminating the Review and issuing a second decision in the same matter on 30-06-08, again without exposing his own role in the falsification of the Register of Patents for GB2267412, and offering the Claimant the opportunity to seek a Review of the second decision on a short time limit and whilst prohibiting the admission of evidence discovered by the Claimant which caused the Comptroller to have to correct §32.09 and §126.01 of his Manual of Patent Practice with respect to the Stamp Act 1891 just a few hours after issuing his second decision on 30-06-08 not to correct the Register.

⁴⁵ The Review had been acknowledged by the Comptroller as having been formally requested by the Claimant on 03-03-04 and to have been under way in May 2008.

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- (f) **A declaration** that the Comptroller acted unlawfully in putting his own interests ahead of those of the interests of justice, and prejudiced the Claimant, the owner of the Patent GB2267412 by virtue of assignment on 23-10-06, by staying proceedings for the Correction of the Register of Patents for GB2267412 so that he (Comptroller) could progress a reactionary application for revocation of the Patent GB2267412 made in the name of the insolvent, falsely-registered proprietor, by inducement of its subsidiary and commonly-owned-and-directed company, Conversor Ltd, in breach of the terms and conditions of the unstamped agreement which the Comptroller had hidden from his Register on 20-09-04;
- (g) **A declaration** that, by virtue of (i) the Comptroller's bogus registration of a fictitious assignment of the Patent GB2267412 on the basis of only an invalidly signed Form 21/77 on 20-09-04, and (ii) §33(4) Patents Act 1977, the register entry under §32 Patents Act 1977 dated 18-11-07 on the Register of Patents in respect of Sense-Sonic Ltd's assignment of the Patent GB2267412 to the Claimant on 23-10-06 was prima facie evidence of the Claimant's proprietorship of the Patent GB2267412 and of his right to amend the Patent GB2267412 under §75 Patents Act 1977, by removal of Claim 2, and defend it against revocation.
- (h) **A declaration** that the prima facie evidence of the Register of Patents may be established only by things authorised and required to be done by the Comptroller under the Acts and Rules ⁴⁶ and not by such things as he (the Comptroller) has done in breach of the Acts and Rules.
- (i) **A declaration** that the Comptroller, in 2008, in the knowledge that the prima facie position with regard to proprietorship of the Patent GB2267412, as derived from inspection of the Register of Patents, presented no evidence of an assignment of the Patent GB2267412 by Sense-Sonic Ltd to any person other than to the Claimant on 23-10-06, unlawfully upheld his bogus registration of a fictitious assignment to the applicant for revocation of the Patent GB2267412 and denied the Claimant his right under §75 Patents Act 1977 to defend the Patent GB2267412 against revocation by simple amendment thereto.

⁴⁶ §32(9) Patents Act 1977 refers.

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- (j) **A declaration** that the Claimant was deprived of a fair hearing in the matter of the revocation of the Patent GB2267412 because the Comptroller, knowing that he had falsified the Register on 20-09-04 and that the applicant for revocation was not the proprietor of the Patent GB2267412, ensured that the proprietor's right to amend the Patent under §75 Patents Act 1977 was not available to the proprietor.

- (k) **A declaration** that, by virtue of §14 Stamp Act 1891 and the ruling in *Parinv (Hatfield) Ltd v IR Commissioners* [1996] STC 933, the Comptroller may not compel any person to rely on or accept an unstamped document nor any secondary evidence thereof, an entry on his Register being such secondary evidence, and a completed application Form 21/77, DF12A or TM16 being such secondary evidence.

- (l) **A declaration** that an entry on the Comptroller's Register is not prima facie evidence of any transaction, instrument or event referred to in that entry if the entry was not made in accordance with legitimate practice authorised and required under the relevant Acts and Rules.

- (m) **A declaration** that §32(3) Patents Act 1977 prohibits the registration of transactions which transfer merely equitable interests and prohibits the Comptroller from taking any notice of such transactions, and that the Comptroller's statement in §4.13 of his Reg Admin Desk Notes that §32(3) prohibits trusts, such as the National Health Service from being registered as proprietors of IPR, is a misrepresentation of the effect and purpose of §32(3) Patents Act 1977.

- (10) **HMRC's Decision, of date unknown, (issued to the Attorney General in respect of §114 Finance Act 1999 some time after 01-05-09 and withheld from the Claimant by the Attorney General) - that the Comptroller's liability to penalty under §17 Stamp Act 1891 in respect of his registration of change of proprietorship of intellectual property created by the Claimant did not in the opinion of HMRC arise by virtue a fraudulent act by the Comptroller and/or another person - was made unlawfully and should have been passed on to the Claimant by the Attorney General so that he might challenge HMRC's Decision:**

(a) **A declaration** that HMRC's Decision, issued to the Attorney General in respect of the Comptroller's liability to penalty under §17 Stamp Act 1891, was unlawfully made in defiance of documentary evidence of deliberate falsification of the Register and deliberate defiance of the Stamp Act 1891, and was prejudiced by HMRC's negligent and/or complicit acts on 22-03-00 and 23-03-00 in respect of the Comptroller's establishment of a practice, expressed in his Notice in respect of Stamp Duty of 24-03-00, of registering transactions without ensuring that mixed-property agreements executed on or after 28-03-00 which should have been Stamped, have been duly Stamped.

(b) **A declaration** that HMRC's involvement in the establishment between 21-03-00 and 24-03-00 of an unlawful procedure by which the Comptroller breached the Stamp Act 1891 at least on 20-09-04, 24-09-04 and 27-09-04 has resulted in a conflict of interests which has rendered HMRC untrustworthy and unfit to make the Decision required of it by the Claimant and the Attorney General in respect of §114 Finance Act 1999. ⁴⁷

⁴⁷ As a consequence of HMRC's failure to act lawfully in respect of its duties with respect to the care and management of Stamp Duty, the Claimant hereafter makes a request that this honourable Court makes the Decision as to whether the Comptroller's liability to penalty arose from deliberate acts or acts made in good faith, and whether the deliberate acts of the Comptroller and/or of the persons involved in the making of the applications for registration of a fictitious assignment were fraudulent.

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- (c) **A declaration** that HMRC's Formal Decision in respect of §114 Finance Act 1999 has been made to the Attorney General and cannot be challenged by the Attorney General nor can it be altered by HMRC in order to prevent the Decision being formally disclosed to the Claimant and thereupon being formally challenged by the Claimant.
- (d) **A declaration** that the Attorney General is acting unfairly and prejudicially towards the Claimant by now returning to HMRC with the purpose of attempting to induce HMRC to issue a different Decision, on the basis of the clear evidence and facts, to replace the existing Decision which presents a declaration with respect to §17 Stamp Act 1891 and §114 Finance Act 1999 which the Attorney General knows or suspects to be false (and does not therefore wish to pass on to the Claimant), failing which, and in the alternative, the Attorney General has lately re-opened communication with HMRC for purposes which cannot justify the Attorney General's continued withholding of HMRC's Decision from the Claimant.

(intentionally blank)

- (11) **The Information Commissioner's Decision of 22-06-09, Reviewed on 04-09-09**, in which he declared that it was not possible for him to procure evidence to prove, beyond reasonable doubt, that the Comptroller had attempted to keep from the Claimant the true "section instructions" as at 01-08-07 in spite of the fact that the Comptroller had altered his "section instructions" after 01-08-07 and substituted such altered "section instructions" for the true "section instructions" as at 01-08-07, having claimed there to have been no alteration in recent years and claiming that the disclosed "section instructions" existed and were in force on 01-08-07, when they were not. ⁴⁸

(a) **A declaration** that the Information Commissioner's Decision of 22-06-09 and his Decision on Review of that Decision of 04-09-09 were unlawfully made by reason that he did have in his possession both (i) the evidence of alteration of "section instruction" (contrary to the Comptroller's original and repeated claims) such that the altered "section instructions" gave the impression that the Comptroller's declarations in his Decision of 12-11-07 on Review of IPO staff training, procedure and practice were confirmed in his "section instructions", when they were not, and (ii) evidence that the "section instructions" were altered at a date later than claimed by the Comptroller.

(b) **A declaration** that the Information Commissioner had sufficient evidence to prove that the Comptroller had acted in breach of §77 Freedom of Information Act 2000 by repeatedly deceiving the Claimant in the matter of the Claimant's requests for disclosure of true, full and historically accurate information concerning IPO staff training, procedure and practice.

(c) **A declaration** that it was possible for the Information Commissioner to procure evidence from the Comptroller as to when and how, if at all in 2007, the altered "section instructions" were issued to IPO register maintenance staff.

⁴⁸ A list of the various discovered embodiments of "section instructions" going back to January 1992 is set out at Appendix 2, [page 113](#), under the heading Register Admin Desk Instructions and Desk Notes

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- (d) **A declaration** that the Information Commissioner is not trustworthy or fit to issue any further decision in the matter of the Comptroller's disclosure of altered "section instructions" on account of the Claimant's discovery on 18-07-09 that he (Information Commissioner) had concealed the central evidence he had recovered from the IPO on 20-05-09 - a Microsoft Word Document of the file name "Pat Ass DN Ver3.doc - and had substituted this with a pdf document of the file name "Pat Ass DN Ver3.pdf" which had not been discovered with the central evidence on 20-05-09 and was not in fact a copy of the central evidence he had discovered and concealed.
- (e) **A declaration** that the Information Commissioner's investigation into allegations of fraudulent substitution of "section instructions" was not properly carried out, as the substituted "section instructions", once discovered, were excluded from the investigation and were not inspected for the electronic date stamps in order to establish the date upon which the substituted "section instructions" were created – such date of alteration being of relevance to the date upon which the Comptroller became aware that he would be required to produce a copy of his "section instructions".
- (f) **A declaration** that had the Comptroller not been pursued by the Claimant for the full information which he had requested under the Freedom of Information Act 2000 (the whole truth and nothing but the truth in respect of staff training, procedure and practice) the four pages from the altered "section instructions" which the Comptroller disclosed to the Claimant on 25-07-08 and the Comptroller's declaration in his Decision on Review of staff training, procedure and practice of 12-11-07 would have given this honourable Court the false impression that lower-level IPO staff had acted negligently and against the instructions of the Comptroller, whereas the evidence discovered and concealed by the Information Commissioner, together with evidence discovered to have been concealed by HMRC (letters in respect of Stamp Duty between HMRC and the Comptroller between 1998 and 2000) shows that lower-level IPO staff (i) were instructed to avoid questioning defective documentary evidence, (ii) had not misread or ignored the documents filed in respect of the Patent GB2267412 in September 2004, but rather had acted deliberately and unlawfully, on instruction, to cover up the defects in the documents and make a registration, and procure a new paying customer for the Comptroller.

DECISIONS SOUGHT BY THE CLAIMANT

Preface

58. As a consequence of the serious conflicts of interest and unlawful conduct of the Comptroller, HMRC and the Information Commissioner exposed herein and hereto, **the Claimant contends that** the aforementioned are not fit to reconsider the matters they were first entrusted to decide upon and should not therefore be ordered by this honourable Court to go back over those matters and issue further decisions.
59. **The Claimant contends that** all of the Decisions made by the Comptroller since 09-09-04 in respect of IPR created by the Claimant have been prejudiced by the fundamental unlawful procedures and practices which prevailed at the time and **contends that** the Claimant would not be in this position today if the Comptroller had told the truth, the whole truth and nothing but the truth on the very many occasions upon which he ought to have done so.
60. **The Claimant contends that** the long-standing controlling mind behind the Comptroller (the Deputy Comptroller) is still trying to pervert the course of justice and avoid discovery and punishment for his part in the establishment of unlawful procedures and the management of the long-running cover-up by claiming that the Claimant is not entitled to a Judicial Review and should be pursuing Conversor Products Ltd - an asset-strippers' insolvent sham (a decoy) which the Comptroller registered under a false name in September 2004 and which, being a decoy, has purposefully had nothing whatever to do with the exploitation of the disputed IPR.
61. **The Claimant contends that** as there is no admissible evidence of any agreement or contract linking Conversor Products Ltd to the disputed IPR, and HMRC refuses to act on any certified copies of documents purported to be evidence of an agreement (there never having been any executed agreement in the possession of the purported seller of the IPR, its Administrative Receivers or Solicitors), the Comptroller's Registers are an obstruction to the proper course of justice, as they state that Conversor Products Ltd has an assignment of the IPR created by the Claimant, when, clearly, it does not.

62. **The Claimant contends that** the Comptroller has held out, and holds out, his own bogus registrations as prima facie evidence of Conversor Products Ltd having an interest in this application and **contends that** the Comptroller, in breach of §14(4) Stamp Act 1891, has been trying to compel the Claimant to rely on and accept, in evidence of such an interest (i) his bogus registrations (made in breach of the Acts & Rules and therefore contra to §32(9), for example) and (ii) an unstamped document a mutilated copy of which he (Comptroller) excluded from his Register on 20-09-04 on account of the defects and which HMRC refuses to adjudicate or Stamp, on grounds that the certified copies thereof in its (HMRC's) possession are suspected by HMRC not to be truly representative of any agreement between the former registered proprietor, Sense-Sonic Ltd, and, inter alia, the falsely-registered proprietor, Conversor Products Ltd.
63. **The Claimant contends that** the Comptroller's views would be sought by any Court before which matters of proprietorship and/or entitlement are in dispute, and **the Claimant contends that** until the Comptroller is exposed and punished for his deliberate, selfish and reckless acts of falsification of the Register, the Claimant will forever find the Comptroller acting against him and in defence of his bogus registrations and in defence of those involved in the making of the applications which gave rise to them – much as he (Comptroller) rushed to the defence of Coflexip Stena Offshore Ltd in 1997 ⁴⁹ after being discovered to have registered a void, but Stamped, assignment in place of an earlier agreement which was also expressed to be an assignment, but which was not Stamped.
64. **The Claimant contends that** it is the duty of the Comptroller, as a registrar, to prevent such a situation arising whereby registrations of a fictitious assignment are made and yet evidence to prove this is unstamped and therefore inadmissible in civil proceedings.
65. **The Claimant contends that** it is the duty of the Comptroller as a referee not to compel any person to rely on or accept an unstamped document or secondary evidence thereof (such as a register entry or a completed or partly-completed or invalidly-completed application Form).

⁴⁹ Coflexip Stena Offshore Ltd's Patent [1997] RPC 179 refers.

Decisions Sought

66. In the light of the deliberate unlawful conduct of the Comptroller, HMRC and the Information Commissioner, the Claimant respectfully requests that this honourable Court considers the Grounds, Facts and Evidence herein and hereto and:
- i. **Issues a Decision**, further to that of HMRC, as to whether the Comptroller's liability to penalty under §17 Stamp Act 1891 has arisen by reason of innocent error or by deliberate, fraudulent acts of the Comptroller and/or another person;
 - ii. **Issues a Decision**, further to those of the Information Commissioner, as to whether the Comptroller acted in breach of §77 Freedom of Information Act 2000 by substituting altered "section instructions" for the true "section instructions" which were requested of the Comptroller by the Claimant for the purposes of establishing whether the Comptroller had made false declarations in his Decision on Review of IPO staff training, procedure and practice of 12-11-07; ⁵⁰
 - iii. **Issues a Decision** as to whether the Comptroller falsified the Register of Patents for GB2267412 on 20-09-04 by deliberate acts of concealment, such concealment being effected by the use of wording on the Register and in his confirmation letter of 20-09-04 not normally used in circumstances where an application for registration comprises both a Patents Form 21/77 and a copy of an assignment of patent.
 - iv. **Issues a Decision** with respect to the monetary relief (damages) sought by the Claimant.

⁵⁰ Further Particulars with respect to the Information Commissioner's Decisions are set out at Appendix 1, [page 65](#), paragraph 105.

Relief - Summary of Particulars of Claim for Damages

67. **It is contended that** the first disputed registration was made by the Comptroller at 14:58:59 hrs on 20-09-04 (and upheld by him against the Claimant's valid objection on 24-09-04) in breach of Rule 46 Patents Rules 1995 and §30(6) Patents Act 1977 as it was made on the basis on just one signature on an application ⁵¹ for registration of the (fictitious) assignment of GB2267412, and was made by the exclusion – without question - of a defective document which was filed in support of the Patents Form 21/77 [**Extracts #120-128**] by the person seeking registration to give the impression of compliance with Rule 46(2):

[Such is “**Breach of Statutory Duty by Positive Wrongdoing (Unlawful Means)**”]

68. **It is contended that** the Comptroller has registered a *fictitious assignment* [**Extract #157**]:

[Such is “**A Result” of the Breach and Positive Wrongdoing**]

69. **It is contended that** the Comptroller foresaw and foretold on 16-09-98 and on 19-11-99 [**Extracts #15-19**] the risk of registering a *fictitious assignment* were he to accept an application bearing only one signature:

[Such is “**A Foreseen Risk” of the Breach and Positive Wrongdoing**]

70. **It is contended that** the Comptroller engineered the situation by which he ended up registering only a Form 21/77 [**Extract #122 & 130-132**] presenting only one signature:

[Such is “**Positive Wrongdoing by Unlawful Means**”]

⁵¹ Rule 46(1) Patents Rules refers. “46.-(1) An application to register, or to give notice to the comptroller of, any transaction, instrument or event to which section 33 applies shall be made on Patents Form 21/77.”

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71. **It is contended that** during the later stages in Entitlement Proceedings before the Comptroller, the Comptroller warned ⁵² of an “*ugly result*” pending in the event that he should rule that there had been no assignment of the Patent GB2267412 – the Claimant would not see a penny awarded and would have to start proceedings against the true proprietor:

[Such is “A **Foreseeable Consequence**” of the aforementioned tort]

72. **It is contended that** it is perverse and utterly abhorrent that the Comptroller, to whom the Claimant turned for help in June 2004 (when the amount owed to the Claimant was significantly lower, and therefore more easily recoverable from whomsoever was liable, at the time, to pay him), has changed the course of history by his breaches of statutory duty and positive wrongdoing, and has since gone to extremes to cover up the truth, to the serious prejudice of and serious harm to the Claimant.
73. **It is contended that** no person seeking justice should be treated by a Public Registrar and Referee and his employees in the way the Claimant has been treated, and the Claimant submits his application for Orders in the hope, and expectation also, that an example will be set by such Orders and cause the Comptroller to establish procedures to deal with all his bogus registrations and never act in these perverse ways again.

⁵² [See **Extract 173**] The recommendation was intended to undermine the Claimant’s position, as it had been clearly established 8 months earlier, in October 2006, that there had been no assignment of the Patent GB2267412 to the insolvent sham which had been put forward to defend the Entitlement Claim. And there was a risk that the Comptroller might have to acknowledge at Trial that the register entry “**Form 21/77 filed**” excluded the mutilated copy of the unstamped hybrid sale agreement dated 15-09-03 and open the Pandora’s Box which is now revealed. **Extracts #138-139** shows the Comptroller’s understanding (as at 17-11-04) of the importance of identifying the right parties in a claim; **the Comptroller was therefore fully aware of the consequences of registering a fictitious assignment.**

Application for Orders of the Court - Damages

74. The Claimant seeks the following Orders:

- i. an **Order for Damages for Loss ⁵³ and Suffering** as a consequence of the Comptroller's breach of statutory duty and positive wrongdoing, causing foreseeable loss and suffering by unlawful means;
- ii. an **Order for Punitive Damages** as a consequence of the Comptroller's defiant stance throughout the period since the Claimant made his first valid complaint;
- iii. an **Order for Aggravated Damages** as a consequence of the Comptroller's further positive wrongdoing in presenting false information as being fact, in order to support and sustain his defiant stance;
- iv. an **Order for Exemplary Damages** as a consequence of the Comptroller's silent refusal to honestly and sincerely admit to and address the damage he has done to the Claimant, his companies and to others (many of whom may be unaware of the trap [see **Extracts #42-52**] that has been set for them under §68 PA1977 and under the Stamp Act);

75. Further and in the alternative, the Claimant seeks damages under the Human Rights Act 1998 on grounds that he has been deprived of fair hearings and of his property by virtue of the Comptroller's deliberate, unlawful procedures and conduct in his capacity as Registrar, and by virtue of the Comptroller's, HMRC's and the Information Commissioner's various deliberate acts of concealment in respect of the said unlawful matters to the Claimant's prejudice and in defiance of truth and justice.

⁵³ The amount of the loss of income alone (with daily interest at 8% to 30-11-09) is £625,268.50. As the gross profit on Conversor sales in 2003 was £500,000, and the cost of sales minimal, the loss of opportunity in the event that the Buyers Group had been challenged by the Comptroller in September 2004 and had declined to do what ought to have been done in accordance with the terms and conditions of the 15-09-03 sale agreement, and handed the property back to SSL, is reasonably estimated to be £3,000,000.

APPENDIX 1

APPENDIX 1

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The Central Issue 1 – Non-Accidental Bogus Application

76. Three ⁵⁴ bogus applications for registration of change of proprietorship of Sense-Sonic Ltd's ("SSL") intellectual property rights ("IPR") were filed at the IPO in September 2004:
- i. The three requests for registration of assignment of SSL's IP **each** comprised:
 - (1) an application Form bearing only **one signature**, not SSL's signature;
 - (2) a supporting document: a mutilated copy of a hybrid **agreement to assign**,⁵⁵
 - ii. The applicant (limited company) name was not its **designated legal name**;
 - iii. The address given for SSL on application Forms was 18 months **out of date**;
 - iv. **No patent agents** were instructed by, authorised by, or acting for, **SSL**;
 - v. The signatory of Form 21/77 was identified at box 6 as the **applicant's agent**;
 - vi. The mutilated agreement presented **no evidence of transfer** by assignment;
 - vii. The mutilated agreement affected various types of **dutiable**/exempt property;
 - viii. The mutilated agreement cites buyers' **liability** re: "*all and any Stamp Duty*";
 - ix. The mutilated agreement had **no** Stamp, certificate of value or apportionment;
 - x. The mutilated agreement was **dutiable as a settlement** of a trade debt; ⁵⁶

⁵⁴ The three applications requested changes of proprietorship of **two** registered designs, **one** patent and **one** trade mark – **four** registrations in all. Mutilated copies of a sale agreement dated 15-09-03 were filed in all three cases in feigned compliance with the popular statutory alternative to filing the prescribed application Forms signed by **both** the person seeking registration **and** by the other party to the claimed transaction. The master copy, from which the three filed copies were made, was mutilated by a Solicitor's removal therefrom of the expression of a declaration of trust in respect of the IP, goodwill and a £1,333,558.30 dutiable trade debt, declaring the intentional retention of title therein by SSL pending later transfer by a separate assignment of IPR and a separate **dutiable** assignment of the debt and goodwill, purposefully and specifically prescribed by that Solicitor by his amendment to the final draft of the sale agreement just before noon on 11-09-03. [Extracts #77-92 and #103-141 at ANNEX 3 refer].

⁵⁵ §30.10 CIPA Guide; Authorities **AH-A1 [1997]** & **AH-A2 [2001]**; §129 Finance Act 2000.

The Central Issue 2 – Non-Accidental Bogus Registration

77. Four ⁵⁷ bogus registrations of change of proprietorship of SSL’s intellectual property rights (“IPR”) were made by the Comptroller in September 2004:
- i. The Forms were **not** signed to justify registration without documentary evidence;
 - ii. Documentary evidence was **essential** to registration, not superfluous to Forms;
 - iii. The standard procedure ⁵⁸ of ignoring superfluous documents was **not** applicable as the Forms were **not** signed by two persons;
 - iv. The filed **supporting documents** did **not** present **evidence** of assignment;
 - v. The filed supporting documents were **mutilated copies** of an **unstamped agreement to assign**;
 - vi. The Patents Register entry **excluded** the defective supporting document;
 - vii. The Patents Register entry registered only the Form 21/77 as having been **filed**;
 - viii. The standard reference to **“the entry at box 6”** on the Form 21/77 was **deleted** from the **Confirmation Letter** sent on 20-09-04 to the address for service for the person making the application;
 - ix. By **deletion** of the words **“and the entry at box 6 merely confirms that fact”** from the **Confirmation Letter** dated 20-09-04, the Comptroller disguised the **prima facie presumption** that the person whose details were entered at box 6 as “agent” (Wilson Gunn M’Caw, “WGM”) signed the Form 21/77 on instruction from the falsely-named applicant, not on instruction from SSL. **[Extracts #122-132]**

⁵⁶ Paragraph 19, schedule 13 Finance Act 1999; HMRC’s decision §12 Stamp Act 1891.

⁵⁷ There were four registrations resulting from three applications; one application, to the IPO Designs Registry, requested two registrations in respect of Registered Designs No. 2022759 and No.2027609.

⁵⁸ §2.02(5) all Desk Notes, save for the **altered Desk Notes** disclosed to the Claimant by the Comptroller. **[Extracts #1-14 and #20 at ANNEX 3 refer; see indices at ANNEX 1 & 2].**

Breach of Statutory Duty - Introduction

78. The Comptroller has statutory duties under the aforementioned Acts and Rules to ensure that he has **registrable evidence of an assignment** before registering a change of proprietorship of Intellectual Property Rights (“IPR”) on any of his three Registers;

a. **Rules identified in the Particulars of Breach state that** if the necessarily-filed Form ⁵⁹ is not of itself evidence sufficient to make a legitimate registration of change of proprietorship – **and in the instant case they clearly were not** - the Comptroller must register **both** a Form signed by the person seeking registration **and** documentary evidence sufficient to establish the transfer [**Extracts #1-4**];

to be sufficient to establish a transfer, the effective document **must** be duly Stamped in respect of all and any dutiable property affected thereby – such as the £1,333,558.30 debt, in the instant case - for if it is not, the Comptroller has no reason to establish whether the filed document, or part thereof, is effective as an *agreement to assign* or an *assignment*, it being a breach of §14 Stamp Act 1891 to enrol, record or register any unstamped documents or transaction effected by an unstamped document;

The Four Bogus Registrations

79. **Three** bogus applications for registration of change of proprietorship of SSL’s intellectual property rights (“IPR”) were filed at the IPO in September 2004 and resulted in **four** bogus registrations of change of proprietorship as follows:

The Patent GB2267412

See “Particulars of the Breach – The Patent”. See also the “Further Particulars...”.

The Registered Designs No. 2022759 & No. 2027609

See “Particulars of the Breach – The Registered Designs”.

The Trade Mark No. 1488225

See “Particulars of the Breach – The Trade Mark”.

⁵⁹ Patents Form 21/77, Designs Form DF12A and Trade Marks Form TM16(REV2).

Particulars of Breach – The Patent

80. **The Claimant contends that the Comptroller breached his statutory duties** in respect of **§14(4) Stamp Act 1891, Rule 46 Patents Rules 1995, and §30(6) Patents Act 1977, by reason that he:**

- a. took notice of, and recorded and registered receipt of, an application for registration of a fictitious assignment of the Patent GB2267412 comprising **(1)** a Patents Form 21/77 and **(2)** a copy of part of an unstamped, dutiable document;
- b. registered an assignment of the Patent, when no assignment had taken place;
- c. excluded from the registration process the filed copy of an unstamped document, which, being a copy of only certain parts of an *“Agreement relating to the sale and purchase of certain assets”*, was insufficient to establish the transfer of the Patent GB2267412 as otherwise required under Rule 46(2);
- d. excluded from the registration process the filed unstamped document, which appeared to be prohibitive of registration of **any** transaction or event, it being an incomplete copy of an agreement which, in the few disclosed pages, appeared to affect property which was not intellectual property and was not therefore necessarily subject to the exemption ⁶⁰ from Stamp Duty, to which (Stamp Duty) the buyers’ liability was expressed on the agreement’s witness page; and
- e. registered only a Form 21/77, not bearing the necessary **two** signatures, and not signed by the assignor or any agent thereof, as having been **all that was filed by the person seeking registration**, when the statutory requirement as at 20-09-04 was for a solitarily registered Form 21/77 (an **application**) to be signed
 - i. **at least by** the person making the **application** for registration of an assignment,

such requirement being expressed in instructions at **“note e”** on the statutory Patents Form 21/77, as set out at Schedule 1 Patents Rules 1995 as at 20-09-04, and as referred to in Rule 4 of said Rules as at 20-09-04;

⁶⁰ §129 schedule 34 Finance Act 2000 and HMRC’s letters to the Comptroller dated 21-03-00 and 23-03-00 refer. [Extracts #25 & #27]

- ii. **at least by** or on behalf of ⁶¹ the assignor,

such requirement being expressed to be the minimum statutory requirement under Rule 46(2) Patents Rules 1995, as amended on 22-12-99, for the **application** to be deemed acceptable to the Comptroller as evidence of the transfer of rights – subject, of course, to the general rule that the Comptroller must **first** establish the admissibility of such secondary evidence of the assignment in accordance with §14 Stamp Act 1891 (for the avoidance of enrolment, recordal and/or registration in breach of §14 Stamp Act 1891 and the liability to penalty under §17 Stamp Act 1891);

- iii. **and also by** the assignee, **such requirement** being:

- (a) expressed at box 7 of the statutory Form 21/77 to be a requirement under Rule 46 Patents Rules 1995 (provision having been made in Rule 46(3) for the Comptroller to establish such a requirement);
- (b) the bare minimum requirement in respect of the Comptroller's statutory obligations under the Stamp Act 1891;
- (c) a bare minimum requirement which was publicly expressed by HM Revenue & Customs (formerly Inland Revenue) in September 1999 to be insufficient, in its view, for the purposes of ensuring that a document of settlement and/or transfer has been duly Stamped where necessary (whether the document has been filed, ignored and registered by the Comptroller, or filed, misinterpreted and registered by the Comptroller, or – as in the instant case and in other cases, it appears - **filed, inspected** and **excluded** from the Register by the Comptroller);
- (d) established by the Comptroller by amendment to Rule 46 in 1995 in place of the previous requirement under Rule 46 Patents Rules for the filing, inspection and registration of a certified copy of the actual instrument of settlement and/or transfer;

⁶¹ Rule 46(1) states that an **application** shall be made on a Patents Form 21/77, and Rule 90 Patents Rules states that an agent, appointed thereunder, may sign an **application**.

81. **The Claimant contends that** this instant breach was more serious than a mere failure to properly inspect a Form 21/77 and documentary evidence, in that this particular breach was effected by **positive wrongdoing**, particularised hereafter.
82. **The Claimant contends that** positive wrongdoing is evident from the **register entry** made by Mr. Adkins (IPO officer) at 14:58:59 hrs on 20-09-04 - "**Form 21/77 filed**";
83. **The Claimant contends that** the positive wrongdoing is further evident from the **confirmation letter** signed by Mr. Adkins and sent to WGM on 20-09-04, the positive wrongdoing being evident from the **deletion** of the standard reference to "**the entry at box 6**" of the Form 21/77, which reference otherwise draws attention to the Comptroller's prima facie presumption that the registered, isolated Form 21/77, so signed and completed (i.e. signed only by WGM), **must** be accompanied by registrable "*documentary evidence sufficient to establish the transaction*", **it being unlawful to register change of proprietorship without registering such evidence with the Form 21/77.**
84. **HM Revenue & Customs hold the Comptroller to be liable to penalty under §17 Stamp Act 1891 for breach of §14(4) Stamp Act 1891 [Extract #104 refers].**
85. **The Claimant contends** that the Comptroller has procured a breach of a statutory duty by positive wrongdoing, as a result of which **the Claimant has suffered loss.**
86. **The Claimant contends that** the Comptroller has fulfilled his own prophecies of 16-09-98, 29-11-99 & 28-06-07 and caused the Claimant **loss by unlawful means.** ⁶²
87. **The Claimant contends that** the person who instructed WGM to make the aforementioned applications in respect of SSL's IPR procured a breach of contract with SSL by his failure to (i) execute prescribed assignments, (ii) novate with third parties (such as the Claimant) and (iii) pay all necessary Stamp Duty, said latter failure resulting in SSL and any other person being unable to challenge the persons in breach of contract by reason that the instrument of the contract, an "*Agreement relating to the sale and purchase of certain assets*" dated 15-09-03 – which the Comptroller had a duty to challenge under the Acts & Rules - **is not duly Stamped.**

⁶² **AH-A15 [2007]** OBG Ltd & others v Allan & others; Douglas & another & others v Hello! Ltd & others; Mainstream Properties Ltd v Young & others & another [2007] UKHL 21.

Particulars of Breach - The Registered Designs

88. Registrations of a ***fictitious assignment*** of SSL's Registered Designs No. 2022759 and No.2027609 were made by the Comptroller, as Registrar of Trade Marks, on 24-09-04 **in breach of §14(4) Stamp Act 1891, by reason that;**
- a. An unstamped, dutiable document dated 15-09-03 ⁶³ was filed by Wilson Gunn M'Caw ("WGM") at the IPO on 17-09-04;
 - b. The dutiable document was purported to be "*such documentary evidence as suffices to establish the assignment, transmission or operation of law*"; ⁶⁴
 - c. The dutiable document was filed by WGM in support of and in accompaniment to a Designs Form DF12A not "*signed by or on behalf of [an] assignor*" ⁶⁵
89. A breach occurred because the dutiable document was enrolled, registered or entered "*in any rolls, books, or records*" ⁶⁶ by "*any person whose office it is to enrol, register, or enter in or upon any rolls, books, or records any instrument;*" ⁶⁷
90. **HM Revenue & Customs hold the Comptroller to be liable to penalty under §17 Stamp Act 1891 for breach of §14(4) Stamp Act 1891 [Extract #104 refers]**

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⁶³ §129 Finance Act 2000 [**Extracts #25 & #27 refer**]; para.19, sch.13 Finance Act 2000; [**Extract #164 refers**]; HMRC Decisions under §12 Stamp Act 1891. [**Extracts #104 & #160-163**]

⁶⁴ Rule 42(2)(a), Rule 4 & Schedule 1, DF12A of the Registered Designs Rules 1995.

⁶⁵ Rule 42(2)(a), Rule 4 & Schedule 1, DF12A of the Registered Designs Rules 1995.

⁶⁶ §17 Stamp Act 1891;

⁶⁷ §17 Stamp Act 1891; §17 Registered Designs Act 1949.

(Particulars of Breach - The Registered Designs, continued)

91. **Further and in the alternative**, registrations of transfers of SSL's Registered Designs No. 2022759 and No.2027609 were made by the Comptroller on 24-09-04 **in breach of:**

- a. §17(1), §17(2) and §19(3)(a) Register Designs Act 1949;
- b. Rule 6(3), Rule 42(2)(a) and Rule 44 Registered Designs Rules 1995

by reason that a document dated 15-09-03, ⁶⁸ which was filed by WGM at the IPO on 17-09-04 as being "*such documentary evidence as suffices to establish the assignment, transmission or operation of law,*" ⁶⁹ in accompaniment to a Designs Form DF12A not "*signed by or on behalf of [an] assignor*" ⁷⁰ was couched in terms of an **agreement to assign**, ⁷¹ with a declaration of trust ⁷² to hold legal title in the IPR away from the buyers, pending assignment thereof in a prescribed particular form, at the expense of the buyers, and in a form necessarily acceptable to the seller's Solicitors.

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⁶⁸ §129 Finance Act 2000; para.19, sch.13 Finance Act 2000; HMRC Decisions under §12 Stamp Act 1891.

⁶⁹ Rule 42(2)(a), Rule 4 & Schedule 1, DF12A of the Registered Designs Rules 1995.

⁷⁰ Rule 42(2)(a), Rule 4 & Schedule 1, DF12A of the Registered Designs Rules 1995.

⁷¹ §30.10 CIPA Guide refers.

⁷² §17(2) Registered Designs Act 1949.

(Particulars of Breach - The Registered Designs, continued)

92. **Further and in the alternative**, in the event that the Comptroller

- i. **excluded** from the Register of Registered Designs the document filed by WGM at the IPO on 17-09-04; ⁷³ and
- ii. registered a transfer of the Registered Designs No. 2022759 and No.2027609 by virtue of assignment on the evidential basis of **only** a Designs Form DF12A signed only by WGM, who were identified at box 6 of the Form DF12A as agent for the person making the application - which person did not use its designated legal name and which person was not the registered proprietor, Sense-Sonic Ltd, nor agent thereof,

the filed document dated 15-09-03, which was couched in terms of merely an *agreement to assign* the IPR, and which was merely part of a copy of a sale agreement stripped of its vital pages, **did not constitute the “full particulars of the transaction”** and was therefore not filed in accordance with Rule 44 Registered Designs Rules 1995 and is not admissible in evidence, by virtue of §19(5) Registered Designs Act 1949.

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⁷³ As was the case with the Comptroller's registration of change of proprietorship of the Patent GB2267412 on 20-09-04 - but identifiably so because entries on the Register of Patents are more informative than on other Registers at the IPO, if not always true. The Comptroller's letter to a complainant dated 04-12-06 refers.

Particulars of Breach - The Trade Mark

93. A registration of a *fictitious assignment* ⁷⁴ of SSL's Trade Mark No.1488225 was made on 27-09-04 **in breach of §14 Stamp Act 1891 and Rule 26(1) and Rule 41(3) Trade Marks Rules 2000, by reason that:**
- a. the filed mutilated copy of the defective unstamped sale agreement dated 15-09-03 was enrolled, recorded or registered on a roll, record or register, whether so enrolled, recorded or registered as evidence of the **transfer** of the Trade Mark, or as evidence of the Trade Mark being **held on trust** pending assignment, and whether privately enrolled or recorded so as to keep the unstamped document itself **off** the Register of Trade Marks ⁷⁵ in an attempt to cover up the breach of §14 Stamp Act 1891 and avoid penalty under §17 Stamp Act 1891 for registering an unstamped document and/or registering a transaction **effected by** an unstamped document;
94. **Further and in the alternative**, a registration of a transfer of SSL's Trade Mark No.1488225 by "*assignment in full*" was made on 27-09-04 **in breach of Rule 40(a) and Rule 41(2)(a) Trade Marks Rules 2000, and §26(1), §25(1) and §63(2)(b) Trade Marks Act 1994, by reason that:**
- a. there was no signature of an assignor on the Form TM16(REV2);
 - b. there was no signature of an assignee on the Form TM16(REV2);
 - c. there was no evidence of assignment of the Trade Mark filed or registered.

95. **HM Revenue & Customs hold the Comptroller to be liable to penalty under §17 Stamp Act 1891 for breach of §14(4) Stamp Act 1891 [Extract #104 refers]**

⁷⁴ Rule 15, Regulatory Impact Assessment signed by the Responsible Minister on 29-11-99 refers. [Extract #16, Option 3 last sentence refers; see also Option 2 last sentence].

⁷⁵ As was the case with the Comptroller's registration of change of proprietorship of the Patent GB2267412 on 20-09-04 - but identifiably so because entries on the Register of Patents are more informative than on other Registers at the IPO, if not always true. The Comptroller's letter to a complainant dated 04-12-06 refers. [Extract #23]

Further Particulars of the Breach – The Register of Patents

96. At 14:35:21 hrs on 20-09-04 the Comptroller's Assignments Officer, Mr. Steve Adkins, made an entry on the Register of Patents for the Patent No. GB2267412;
97. Mr. Adkins, who carried out a thorough inspection of the Form 21/77 and documents filed by the Claimant on 02-09-04, made the aforementioned registration at the request of the Claimant;
- a. The Claimant, the inventor of GB2267412 ("the Patent"), had previously written to the Comptroller on 26-08-04 seeking help and claiming to be owed £120,000;
 - b. The Claimant had made it clear in his communications sent to the IPO that he sought registration of two 1991 assignments "*for the avoidance of future disputes*", and that he sought to establish who was the true proprietor of the Patent GB2267412 in order to bring a claim against that person for payment;
98. Unbeknown to the Claimant at the time:
- i. The Comptroller's Senior Legal Advisor, Mr. Paul Twyman, had expressed doubt to Mr. Adkins by email on 31-08-04 [**Extract #59**] as to whether a letter he advised Mr. Adkins to send to the registered address for service for the Patent in respect of the Claimant's request for registration of the aforementioned 1991 Assignments would find its way to the registered proprietor, Sense-Sonic Ltd ("SSL");
 - ii. Patent agents called Wilson Gunn M'Caw ("WGM"), who although registered as providing an address for service for the Patent, were not authorised to act for or on behalf of SSL [**Extract #128**], and were not shown on the Register of Patents to be so authorised, received Mr. Adkins' letter on 09-09-04;
 - iii. In first reaction to Mr. Adkins' letter, WGM filed a letter and an application for registration of change of proprietorship of the Patent by fax at 15:38 hrs on 09-09-04 and by first class post [**Extract #122-127**];

99. Unbeknown to the Claimant at the time:
- i. WGM's letter to the Comptroller dated 09-09-04 clearly identified **both** a Patents Form 21/77 **and** a document as being filed "*in support of this application*";
 - ii. Mr. Adkins administered WGM's application just after 14:35 hrs on 20-09-04 in defiance of ***Dispute Management*** procedures [**Extracts #54-60**] and on the basis of his training [**Extract #147**] in the identification and treatment of the different types of transaction which may be effected by documents filed together with Patents Forms 21/77;
100. Unbeknown to the Claimant at the time:
- i. the Form 21/77 presented only **one** signature at box 7 thereof; ⁷⁶

⁷⁶ According to the combined statutory requirements under the Patents Rules 1995 and the Stamp Act 1891, as identified by the Comptroller in a Skeleton Argument to the High Court on 09-08-07, a Form 21/77 **must** be signed by at least **two** persons or otherwise be registered together with documentary evidence. A Form 21/77 filed together with documentary evidence, whether as necessary (supporting) or additional (superfluous) evidence, warrants the standard, automatically-generated register entry "***Form 21/77 and documents filed***", even if the document is ***mistakenly*** thought to be an assignment and even if the Form 21/77 is ***mistakenly*** thought to have been signed by all necessary persons.

There can be no mitigation for what followed (i) in the minutes running up to 14:58:59 hrs on 20-09-04, during which time Mr. Adkins overrode the aforementioned standard wording, thereby registering **only** the Form 21/77 ("***Form 21/77 filed***") and **excluding** the defective document (which was neither an assignment nor duly Stamped) as though it had ***never been filed***, and (ii) in the minutes thereafter, during which time Mr. Adkins **altered** a standard (template) **confirmation letter** to remove the reference to "***the entry at box 6***" on the Form 21/77 which standard wording would otherwise draw attention to Mr. Adkins' prima facie presumption that the solitary signature at box 7 was made on instruction of the signatory's client – the applicant – and did not therefore meet the statutory requirement for the assignor to sign a registered, unaccompanied Form 21/77. **Such actions constituted serious breaches of statutory duty by positive wrongdoing which may properly be considered in the light of §109 Patents Act 1977 and the helpful content of §109 CIPA Guide (a relevant extract of which is reproduced in the Authorities section hereto).**

- ii. the designation of the solitary signature at box 7 of the Patents Form 21/77 was identifiable from the entry at box 6 of the Form 21/77 [**Extracts #122-125 & #132**, standard confirmation letter wording];
- iii. in the instant case, the entry at box 6 did not merely confirm the address for service as being the same as shown on the Register of Patents for GB2267412, but rather also indicated that WGM was agent for the person making the application – **a clear obstruction to registration**;
- iv. a **standard confirmation letter** would necessarily refer to *“the entry at box 6”* and would advise that *“no further action is necessary”* if the address for service as shown on the Register is correct, *“and the entry at box 6 merely confirms this fact”* – **Mr. Adkins deleted this latter phrase from the letter [Extract #130]**;
- v. by reference to box 7, box 6, box 4 and box 3, and by reference to the doubt about WGM’s role which was put in Mr. Adkins’ mind by Mr. Twyman’s email of 31-08-04, it was clearly visible to Mr. Adkins that the signature at box 7 was neither that of SSL nor that of an agent thereof, but was instead made on instruction of WGM’s client - the person, at box 4, making the application;
- vi. the company name at box 4 of the Form 21/77 was not a designated legal name, ⁷⁷ and WGM knew this [**Extracts #65-75**];
- vii. WGM were withholding from the IPO – (but not from an earlier thus-far-unaccepted application to the European Patent Office (“EPO”) filed at the EPO by WGM on 21-07-04) – the applicant company’s Certificate of Incorporation on Change of Name dated 09-12-03, which WGM had been holding since receipt thereof from their client’s Solicitors on 26-01-04;

101. Having received a Form 21/77 which did not fulfil all of the following statutory requirements for

- i. the signature of the person seeking registration;

⁷⁷ §4.13 Desk Notes and corresponding Desk Instructions refer. [**Extracts #54-57**].

- ii. the signature of the assignee – (being the person responsible for the payment of all and any necessary Stamp Duty in relation to all and any dutiable property affected by the effective document of settlement and/or transfer); ⁷⁸
- iii. a signature of assignor or of his agent, if he has one;

Mr. Adkins, by virtue of Rule 46(2) Patents Rules 1995, was wholly reliant on the accompanying document, filed by WGM together with the Form 21/77, for “documentary evidence sufficient to establish the transaction”. [Extracts #122 & #179]

102. The document filed by WGM in support of the Form 21/77 (the application) was clearly entitled “*Agreement relating to the sale and purchase of certain assets*”;

- a. Mr. Adkins was trained to know that *agreements* may not be effective as *assignments*; [Extracts #157 & #147]
- b. Mr. Adkins was trained to know that if an *agreement* affected not only IP, but also other property, it could be liable to Stamp Duty; [Extracts #150-156]

103. WGM’s client’s Solicitors, Nicholson Graham & Jones (“NG&J”), ⁷⁹ who had sent a copy of the Certificate of Change of Name of the applicant to WGM on 23-01-04, had also sent with it a mutilated copy of the aforementioned agreement as purported evidence of assignment of SSL’s IP for WGM to file at the IPO, it not being possible to procure the signature of SSL on a Form 21/77 to confirm the transfer of rights, as no transfer had yet been made by SSL; [Extract #81-91]

- a. before sending a certified copy of the agreement to WGM on 23-01-04 in response to WGM’s emailed request of 14-01-04 for “*the original assignment documentation*”, the Solicitors NG&J removed certain vital pages from a certified copy thereof;

⁷⁸ §129, Schedule 34 Finance Act 2000, §14(4) and §17 Stamp Act 1891, and HMRC’s explanatory letters to the Comptroller of 07-01-99, 20-12-99, 21-03-00 and 23-03-00 refer [Extracts #9-10, #176, and #25-27 respectively].

⁷⁹ NG&J were acting on instructions from their regular clients – two habitual asset-strippers called Jeremy Guy Brassington and Howard Adrian Mundy, calling themselves, collectively, Bulldog Partners. Jeremy Brassington was instructing and paying WGM through a company called Glentronics Ltd (formerly Leaf Technologies Ltd).

- b. this was a serious deception by mutilation, as those very Solicitors NG&J had on 11-09-03 made provision in the final draft of the agreement for SSL's IP, goodwill and a £1,333,558.30 debt owing to SSL to be transferred after execution of the agreement, by **separate assignments** to two different companies, pending which assignment the aforementioned property would be **held on trust by SSL**, as agreed by the parties on 15-09-03; [Extracts #83-86]
- c. the Solicitors NG&J had notified their clients and potential investors at 7pm on 11-09-03 that Ad Valorem Stamp Duty at 3% would be levied on the prescribed assignment of the debt once executed, thus, were the agreement to have been *expressed in terms of an assignment*, it would be chargeable with Ad Valorem Stamp Duty and would need to be duly Stamped in respect of the assignment of the debt before the Comptroller could register an assignment of the IP;
- d. however, as the agreement, in the pages removed by the Solicitors NG&J, was couched in terms of an **agreement to assign** [Extracts #81-82], the agreement was not chargeable with Stamp Duty **provided that** the prescribed assignment of debt had been executed – which it had not;

104. By virtue of paragraph 19, Sch.13 Finance Act 1999 [Extract #164], HMRC is entitled to levy Stamp Duty on the agreement in the absence of the necessary assignment of debt, and it is on those grounds that HMRC and their Solicitor respectively confirmed and issued their Decisions on 29-10-08 that the agreement relied on by WGM and their instructors is an **unstamped agreement to assign** and that **the Comptroller has breached §14 Stamp Act 1891 and is liable to penalty under §17 Stamp Act 1891**; [Extract #104, see also #103 & #86]

- a. HMRC's Directors and Solicitors have found themselves seriously prejudiced and embarrassed by their Decisions, as the evidence in their possession shows that the breach of §14(4) Stamp Act 1891 was not an error made in good faith;
- b. As a consequence, HMRC's Directors have obstructed the Claimant, will not take the legal action that they ought to take against the Comptroller under the circumstances [Extract #165], and have avoided providing the Attorney General with the opinion that would surely result from a bona fide study of the documentary evidence of the breach in their (HMRC's) possession;

- c. HMRC's Directors have denied to the Claimant the existence of documents which are now in the Claimant's legitimate possession and which show that HMRC, through either gross negligence or complicit conduct, **did not oppose** a Notice drawn up by Mr. Frank Miles, the Comptroller's Senior Legal Advisor, by whom HMRC experienced persistent opposition to the statutory obligations upon his employer under the Stamp Act 1891, ⁸⁰ in 1998, 1999 and 2000.

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⁸⁰ Mr. Miles (the Comptroller's Senior Legal Advisor) had gone so far as to approach his regular contacts at the Treasury Solicitors in 1999 to assist him in finding ways to get overseas customers onto the Comptroller's Registers without paying the necessary Stamp Duty. Mr. Miles abandoned his futile arguments on 22-03-00 only to establish on 23-03-00, through HMRC's negligence or complicit conduct, a procedure for getting **all applicants** for registration of transactions effected on or after 28-03-00 onto the Registers, whether they had paid Stamp Duty in respect of all and any affected dutiable property or not. He achieved this because HMRC's Assistant Director presented no objection to the unlawful nature of the following published statement when given the opportunity to do so on 23-03-00, prior to publication: *"For transactions effected on or after that date [28-03-00] it will no longer be necessary to establish that any instrument that should have been stamped actually has been stamped before the transaction can be registered in any of the patents, designs or trade marks registers. Consequently the declarations relating to stamp duty on patents Form 27177, registered designs Form 12A and trade marks Form TM16 will not serve any legal purpose for transactions effected on or after 28 March 2000, and, accordingly they no longer need to be completed for such transactions"* [Extracts #154-156, #25-27 & #9-10 & 176 refer]

FURTHER PARTICULARS

THE INFORMATION COMMISSIONER'S DECISIONS OF 22-06-09 AND 04-09-09

105. The Following matters relate to the Information Commissioner's Decision of 04-09-09 on Review of his Decision of 22-06-09 in respect of the Comptroller's concealment of information by disclosing an altered document in breach of §77 Freedom of Information Act 2000.
106. In February 2009, the Claimant approached the ICO with two printed documents (Patent Office Register Administration Desk Notes dated 15-06-05 and 01-08-07 respectively) which had been sent to him by the Comptroller of the UK Patent Office ("IPO") in late 2008 following many months of obstruction by the Comptroller with regard to the Claimant's requests therefor under Fol in 2007 and 2008.
107. The Claimant had asked the Comptroller for electronic copies also, and he received these in pdf format on 02-09-08 and 08-10-08. Both pdf documents were created in September 2008, from Microsoft Word documents held on two different computers at the IPO.
108. The Claimant wanted the information for evidence in anticipated proceedings, as he suspected the Comptroller of having lied to him in a formal response dated 12-11-07 to a serious complaint the Claimant had made in respect of IPO staff training, procedure and practice with regard to the Comptroller's registration of fictitious changes of ownership of a patent, two designs and a trade mark (intellectual property, "IP"), and of having misled the High Court on 08-09-07.
109. The information which the Comptroller had earlier disclosed to the Claimant on 25-07-08 (four printed pages from what the Comptroller claimed to be his 01-08-07 Desk Notes - "section instructions") supported the Comptroller's claim in his formal response of 12-11-07, but the Claimant later discovered evidence elsewhere which proved that the relevant instruction in the Desk Notes - at §2.02(5) - had been altered and that the four pages of the 01-08-07 Desk Notes were being used by the

Comptroller to deceive the Claimant into believing that it was “standard procedure” to inspect all documents filed by applicants for registration of change of ownership of patents at the time the Comptroller registered a falsely-named company as owner of IP created by the Claimant (September 2004), when this was not so.

110. The Comptroller insisted that he had not altered §2.02(5), but the Claimant did not believe him.
111. With the help of the Secretary of the Chartered Institute of Patent Agents ("CIPA"), the Claimant proved that §2.02(5) had been altered in order to present an opposite procedure to the claimed and disclosed “standard procedure”.
112. The Claimant discovered in May 2009 that HMRC had objected to the former procedure upon its introduction on 24-12-99.
113. CIPA had expressed reservations about the procedure at a minuted meeting with the Comptroller on 24-01-01.
114. HMRC’s objections throughout 1999 had no effect upon the Comptroller, but CIPA’s reservations resulted in a change to the standard, automatically-generated register entry made on the Register of Patents with respect to assignments of patents if documents, filed by applicants, were not inspected for compliance with the relevant Acts and Rules.
115. The Claimant therefore asked the Comptroller to send him the original version of the 01-08-07 Desk Notes as at 01-08-07 (the week before proceedings in the High Court on 09-08-07 wherein the Comptroller set out his registration "procedure" in a Skeleton Argument).
116. The Comptroller insisted, even on Review on 12-05-09 of his handling of the Claimant’s requests under the Freedom of Information Act 2000, that he had disclosed the original 01-08-07 Desk Notes as at 01-08-07 and that he had not changed them at any time.

117. The Claimant complained to the Information Commissioner in February 2009 that the Comptroller was in breach of s.77 - withholding information by deception.
118. The Information the Claimant sought at that time was IPO procedure as at 01-08-07, in particular with regard to the inspection of documentary evidence filed by applicants for registration of change of ownership of patents, §2.02(5).
119. The Claimant complained to the Information Commissioner that the Comptroller had knowingly and deliberately disclosed an altered document - Pat Ass DN Ver3 - as being evidence of procedure as at 01-08-07.
120. The Claimant produced evidence that, in spite of the Comptroller's claim of 18-10-07 that his "practices in this area have not changed in recent years", there was an earlier, different version of the Desk Notes, and the Claimant contended that the date upon which the alteration was made was central to his claim of breach of §77 Freedom of Information Act 2000 and contended that there was sufficient evidence of substitution by the Comptroller to justify recovery of the original Word Document Pat Ass DN Ver3.doc from the Comptroller to establish, from its electronic content, when §2.02(5) was altered.
121. The ICO's Investigations Section received particulars and evidence from the Claimant on 23-02-09 and 04-03-09, claimed that it was too late to take action under §77 FoIA for altering the 01-08-07 Desk Notes, and shut their eyes to the fact that it is an offence under §77 to disclose an altered document (whether genuine or not) in order to give the impression that it was effective at an earlier time, when there is in fact an earlier, undisclosed document - the requested document - which would otherwise present information opposite to that presented in the altered, disclosed document.
122. Although a person does not have to explain why he wants information to be disclosed by a public body, the Claimant did explain: The Comptroller has been hiding unstamped documents, in breach of the Stamp Act 1891, since at least January 1992 and the consequences are very serious indeed. The Comptroller had in fact hidden a mutilated, unstamped sale agreement filed at the IPO on 09-09-04, as "evidence of transfer" of Sense-Sonic Ltd's Patent. The false, unstamped document was filed by asset-strippers who had put forward a falsely-named shell company for registration as the owner of Sense-Sonic Ltd's IP in September 2004.

123. The Comptroller registered the fictitious assignment by unlawful methods.
124. The Claimant has discovered that the Comptroller did not use the standard register entry "Form 21/77 and documents filed" which CIPA, as aforementioned, had a hand in establishing in 2001, and the Claimant has discovered that the Comptroller even altered the standard confirmation letter so as not to draw attention to the lack of the necessary signatures on the only document he registered on 20-09-04 - a Patents Form 21/77.
125. In short, the Claimant has discovered that the Comptroller created a fictitious procedure (§2.02(5)) in his Decision on Review of staff training, procedure and practice of 12-11-07 in order to cover up his actual practice of hiding defective documents and in order to defend his registration (which the Claimant did not at that time realise had excluded the defective, mutilated document).
126. The Claimant has discovered that had the Comptroller really thought that the Patents Form 21/77 her registered at 14:58:59 hrs on 20-09-04 did not need supporting documentary evidence (as he claimed in his Decision on Review of 12-11-07), the filed "documentary evidence" would in fact have been ignored under the prevailing procedure.
127. However, the Claimant has further discovered that "ignored evidence" would simply have been registered as "Form 21/77 and documents filed" (as per the minuted CIPA recommendation in such circumstances where documents are ignored).
128. It should be noted that the same register entry also applies if documents are inspected - whether correctly inspected or not.
129. In the case of Sense-Sonic Ltd's Patent GB2267412, the Comptroller used a non-standard register entry "Form 21/77 filed", which the Claimant has discovered the Comptroller told another complainant on 04-12-06 means that only a Form 21/77 was filed by the applicant - which was absolutely not the case with the asset-strippers' false application of 09-09-04 (registration of which was administered on 20-09-04).

130. The Claimant therefore specifically asked the Information Commissioner's Investigation Section to go to the IPO and look on the Registers Manager's (Debbie Cooke) and Assignments Officer's (Steve Adkins) computers to get the Microsoft Word Document Pat Ass DN Ver 3.doc and discover the date upon which §2.02(5) had been altered.
131. The Claimant sent a briefing document to the Information Commissioner on 05-05-09 to assist with the identification of evidence at the IPO and its relevance to the allegations of breach of §77 Freedom of Information Act 2000.
132. On 20-05-09, two Investigators from the ICO (one being Mr. Stephen Flack) visited the IPO and found, by 11:15am, a Word Document of the file name "Pat Ass DN Ver3.doc".
133. All Mr. Flack had to do was right click on the file, select "properties" and look at the "last modified" date to establish whether the document was, prima facie, created and/or altered after 01-08-07 – and if it was created after 01-08-07, to look on register administration staff's computers to see if and when it was disseminated to them.
134. The Claimant rang one of the Investigators, Mr. Flack, on 22-05-00, and Mr. Flack claimed only to have recovered electronic documents which were stripped of the relevant Information (i.e. Mr. Flack said he had recovered only pdf documents, and these were stripped of the alteration date of §2.20(5)).
135. Mr. Flack claimed to have only pdf copies of three different versions of Desk Notes bearing the date 01-08-07 on the front cover. He also claimed that he had been given a reasonable explanation for there being three versions, but he would not divulge the explanation, nor would he divulge any dates.
136. Mr. Flack sent the Claimant three pdf files by email on 27-03-00, and the Claimant reported the matter to the Gwent Police on 28-05-09 because he suspected collusion at the Information Commissioner's Office for the purpose of avoiding exposing fraud and forgery at the highest level in a public body - the IPO.

137. Mr. Flack had in fact emailed the Claimant on 27-05-09 the very same pdf “Pat Ass DN Ver 3.pdf” which the Claimant had sent to the Information Commissioner on 23-02-09 at the outset of the investigation.
138. The pdf was not in fact a copy of the Microsoft Word Document “Pat Ass DN Ver3.doc” which Mr. Flack had seen on the IPO computer on 20-05-09.
139. The Claimant reported the matter to the Police for good reason - the Microsoft Word Document clearly holds the evidence to determine whether there has been both forgery and fraudulent substitution, and yet Mr. Flack was claiming to have left the scene without that evidence.
140. The Claimant again asked Mr. Flack for the date upon which § 2.02(5) had been altered, but Mr. Flack would not tell him.
141. The Lancashire Police began taking and making statements with a view to persuading the Gwent Police to get the Word Document Pat Ass DN Ver 3.doc from the IPO, on the understanding that the Information Commissioner did not have it.
142. On 22-06-09, the Information Commissioner wrote to the Claimant to close the investigation, claiming that there was insufficient evidence to continue and claiming that § 2.02(5) was altered on 16-08-09 and was of no consequence.
143. However, the Comptroller had claimed that §2.02(5) was altered on or before 01-08-07 - i.e. before High Court proceedings on 09-08-07 – and the Claimant contended that such a date of alteration was of consequence and, furthermore contended that 16-08-07 might not be the true date of alteration at all, since the Information Commissioner had made no effort to make an independent assessment of the evidence which was available to him and which was later discovered to be concealed in his possession.
144. Mr. Flack knew that there had been a substitution, because he had in fact also discovered Pat Ass DN Ver 2.doc and DESK NOTES 1.doc on the Registers Manager's computer - both dated 01-08-07 and both having an opposite instruction at §2.02(5) to that in the disclosed version.

145. Mr. Flack had sent the Claimant pdf copies of these two documents by email on 27-05-09, along with the pdf which the Claimant already had (Pat Ass DN Ver 3.pdf).
146. Mr. Flack was still covering up the fact that he had recovered Word Documents containing the date information which should have been treated as central evidence in the investigation, but which was in fact being concealed.
147. The Claimant discovered the concealment for fact on 17-07-09 when he confronted Mr. Flack with some evidence which the Lancashire Police agreed was sufficient to justify further investigation.
148. The Claimant pointed out to Mr. Flack that whilst he and Mr. David Clancy (his boss) had fobbed the Claimant off with the very same electronic document he had submitted to the Information Commissioner on 23-02-09 in order to get the §77 Investigation under way, but Mr. Flack made the mistake on 22-06-09 of printing copies of the Desk Notes from electronic files which were NOT the electronic pdf files he had emailed to the Claimant on 27-05-09.
149. In doing so, Mr. Flack inadvertently printed a document which he identified by manuscript annotation on the printed copy as being "Pat Ass DN Ver 3" which was not the same, content-wise, as the pdf "Pat Ass DN Ver 3".
150. This means that the document which was posted to the Claimant on 22-06-09 together with the Information Commissioner's Decision to terminate the investigation, could NOT have been printed from the pdf electronic document of the same file name.
151. Therefore, the printed document Pat Ass DN Ver 3 did not have a corresponding electronic master, electronic copy, or electronic conversion within the set of electronic files emailed to the Claimant by the ICO on 27-05-09.
152. The Claimant therefore accused Mr. Flack of having more electronic files of the Comptroller's Desk Notes than he was admitting to, and that whilst he clearly had three sets of 01-08-07 Desk Notes, he only had two pdf copies thereof which were created on 20-05-09.

153. As Mr. Flack could not print from Pat Ass DN Ver 3.pdf that which he printed and disclosed to the Claimant as being "Pat Ass DN Ver 3" on 22-06-09, the Claimant contended that the Comptroller must have emailed Mr. Flack some other electronic file on 20-05-09 which was called Pat Ass DN Ver 3, but which was not Pat Ass DN Ver 3.pdf (the pdf created on 02-09-08).
154. The Claimant was very fair with Mr. Flack on 17-07-09, and I gave him an opportunity to admit to having allowed the Comptroller to strip the Requested Information from Pat Ass DN Ver 3 by creating a filtered pdf conversion of the Microsoft Word Document he saw on the IPO Computer on 20-05-09.
155. The Claimant gave Mr. Flack the opportunity to admit to having sent him not a pdf created on 20-05-09, but rather the very same pdf which the Claimant had originally emailed to the Information Commissioner on 23-02-09. However, Mr. Flack denied having two pdfs called Pat Ass DN Ver 3.pdf.
156. This meant that the Comptroller never made a pdf copy of the Microsoft Word Document which Mr. Flack saw on the IPO computer and agreed could be converted to pdf on 20-05-09 to fob the Claimant off and keep from the Claimant the seriously damaging Information he had requested - the date upon which the Microsoft Word Document Pat Ass DN Ver 3.doc was altered at §2.02(5), (Information which exists in the Microsoft Word Document itself).
157. In the face of this denial, the Claimant then identified to Mr. Flack the evidence which the Lancashire Police had noted in their Statement sent to the Gwent Police - there was a difference between the printed document which Mr. Flack had sent to the Claimant on 22-06-09 and the pdf he had claimed was his only evidence of Pat Ass DN Ver 3.
158. Mr. Flack then admitted to having received from the Comptroller four sets of Desk Notes in their original Microsoft Word Document format and to having printed from these electronic documents on 22-06-09 rather than from the four pdf documents.
159. The Claimant repeatedly asked for the concealed Information - the date upon which §2.02(5) of the 01-08-07 Desk Notes had been altered – but to no avail.
160. The Claimant sought a Review of the Information Commissioner's Decision of 22-06-09 to terminate the investigation, and the Decision on Review was issued on 04-04-09.

161. The Claimant contends that both of the aforementioned Decisions were unlawfully made and that the proper course of action in the circumstances was to inspect the Word Document Pat Ass DN Ver3.doc and, if found to have been altered after 01-08-07, to revisit the IPO and establish from an inspection of the email accounts of register administration staff the date upon which Pat Ass DN Ver3.doc was distributed to staff in its current form – i.e. in a form presenting an instruction at §2.02(5) which corresponds with the Comptroller's claims of 12-11-07, but which is in fact the opposite of the instruction which prevailed in 2007 (and in every year, going back to 24-12-98).
162. The Claimant contends that the Information Commissioner deliberately closed his mind to the evidence which is contained in the Word Document he concealed from the Claimant and which the Claimant tried to get the Information Commissioner to return to the IPO to recover.
163. The Claimant contends that there was sufficient evidence to cause the Information Commissioner to suspect that the disclosed Desk Notes might be false and that he had a duty to look at the evidence in his possession, and procure further, clearly identified evidence from the Comptroller, in order to make a just, fair and lawful decisions.
164. The Claimant has made a request to the Comptroller for disclosure of the date upon which the Comptroller altered §2.02(5) and the date upon which staff were informed of a change to the procedure therein.
165. The Claimant seeks a Judicial Review of the Information Commissioner's Decision **and contends that**, contrary to the Decision, there was sufficient, readily available evidence held by the Information Commissioner and the Comptroller to complete an investigation under §77.
166. **The Claimant contends that** the Information Commissioner's reasons for termination of his investigation were bogus.
167. **The Relief sought by the Claimant by way of Declarations is set out at page 26 (11) and page 39 (11), and by way of Decisions is set out at pages 41- 43 (in particular, paragraph 66 (ii)), of the Claimant's Statement of Grounds & Facts.**

Further Particulars of the Claimant's Claim for Damages

168. The Claimant has discovered evidence to prove that the Comptroller knowingly made false claims in his letter to the Claimant of 12-11-07 ⁸¹ in order to cover up his exclusion of a defective document which was filed as purported evidence of assignment together with what was quite clearly an inadequately completed and signed Form 21/77;
169. The Acts and Rules ⁸² are intended to protect the rights, title and interests of the Claimant, who is the registered inventor, the owner of the Invention and the Trade Mark, and the last proprietor of the Patent GB2267412 before the Comptroller took it upon himself not to correct the Register of Patents but rather to stay such a decision relating thereto and entertain and assist the falsely-registered proprietor's owner/directors with their reactive application for revocation of the Patent GB2267412 (such application being in breach of the excluded 15-09-03 agreement).
170. The Comptroller knew his registration of 20-09-04 to be bogus and knew his 18-11-07 recordal under §32 Patents Act 1977 of receipt of the 23-10-06 Assignment of the Patent GB2267412 from SSL to the Claimant to have substance under §33(4) Patents Act 1997, but he (Comptroller) chose to ignore such facts, destroy (revoke) the Patent, and thereby put an unjust end, he hoped, to the Claimant's epic struggle, and an end to his own (Comptroller's) fears of discovery and punishment.

⁸¹ **The false claims relate to:** (1) a purported "*standard procedure*" to look closely at all documents filed with "*properly completed and signed*" Forms 21/77 which is now proved (by documentary evidence) to be opposite to the actual standard procedure to ignore all documents filed with "*correctly*" filed Forms 21/77; (2) the meaning of "*filed correctly*" (re: Form 21/77) which is proved to have been misrepresented and has led to the Claimant exposing (with full supporting documentary evidence) a deceitful and bogus change to Rule 46(2) on 22-12-99; (3) a bogus apology for not following the (fictitious) "*standard procedure*" to look closely at all documents. **NOTE:** the false claims were incompatible, for had the administrative officer taken the Form to be "*filed correctly*" (as claimed), he would have ignored the accompany documents completely and used the default (automatically-generated) standard register entry as recommended by CIPA when documents are not examined [see **Extract #20** and see **Extracts #5-12** for the origin of the **true standard procedure** and **Extracts #13 & #14** for the falsely presented "*standard procedure*"].

⁸² See Appendix 2 hereto for the list of Acts & Rules.

171. The Acts and Rules are intended to protect also the registered rights, title and interests of the Claimant's companies Northern Light Music Ltd ("NLM") and Sense-Sonic Ltd ("SSL") in respect of the Invention (which cannot be negated by the revocation of the Patent GB2267412), and in respect of the IPR.
172. Because of what the Comptroller has done to the Claimant over the past five years, the Claimant is looking to this honourable Court to make such Orders as it sees fit to make against the Comptroller for the payment of Damages to the Claimant.
173. **The Claimant contends that** but for the Comptroller's direct involvement in the Falsification of the Register and his refusal to put things right, the Claimant would otherwise have been able to rely on the Comptroller, HMRC and the Police to take a proper interest, and take the proper action, in the matter of the applicant's owners' and representatives' falsification of the Registers in September 2004 and enable the Claimant and his companies to claim their entitlements from the individual directors⁸³ who used their registered, falsely-named, insolvent company as a decoy and shield whilst their other companies exploited the Conversor, in defiance of the Claimant's rights, title and interests, for significant financial gain.
174. **The Claimant contends that** without the Comptroller's and HMRC's acknowledgement, admission and/or acceptance of the truth, which the Claimant is now at last able to force upon them by exposure of the evidence he has discovered, the Claimant and his companies would never have been able to recover their substantial loss.
175. **The Claimant contends that** the owner-directors of the falsely-registered proprietor got what they wanted from the Conversor without being required by the Comptroller to meet the Statutory Requirements for registration, i.e. without executing and producing an assignment of the IPR and/or paying the necessary Stamp Duty on the agreement to assign (15-09-03 sale agreement);

⁸³ Such claims against the directors of the falsely-registered proprietor being possible by virtue of §113 Patents Act 1977, §35A Registered Designs Act 1949 and §101(5) Trade Marks Act 1994 PROVIDED THAT the Comptroller is willing to admit that offences have been committed, for example under §109 Patents Act 1977, §34 Registered Designs Act 1949 and §94 Trade Marks Act 1994, which, under the discovered circumstances it is clear the Comptroller would not, and will not, do.

176. **The Claimant contends that** as a consequence of the Comptroller's registrations without ensuring compliance with the Acts and Rules, the directors of the falsely-registered proprietor would not, and will not, get the 15-09-03 sale agreement Stamped, for were they to do so, the Claimant, as director of SSL, would be able to put the agreement before the Courts and request that all things therein which ought to have been done should now be done – if not at the expense of the liable parties thereto, then at the expense of their directors (footnote 28 refers).
177. **PUBLIC INTEREST: The Claimant contends that**, in the light of the procedures he has discovered in Desk Notes, Desk Instructions (*"section instructions"*) and Notices, it is very much in the public interest as to how a person came to be entered on the Register as proprietor of a patent, registered design of trade mark;
178. **The Claimant contends that**, in the light of the unlawful and highly damaging procedure established in the Comptroller's Desk Instructions in January 1992 of hiding *"full agreements and licences"* in Not Open to Public Inspection pink jackets without the knowledge of the person who might have Stamp Duty to pay thereon, the Comptroller was not the right person for Jacob J to approach during the course of the matter of Coflexip Stena Offshore Ltd's Patent [1997] RPC 179 (**AH-A1 [1997]**) for an *"impartial view"* on whether it was in the public interest to know *how* a person came to be registered as proprietor, when behind the scenes – enrolled in secret files - lurk filed documents of dubious and/or null effect and admissibility;
- 179. The Claimant contends that** it has thus far been his fear that similar consultation might be made of the Comptroller in the event that he (the Claimant) continued his action in respect of the offences and of his rights, title and interests (including those in the only remaining UK-registered IP, the Trade Mark No. 1488225), in the High Court – it being essential to the recovery of his loss that the offences first be recognised by the Comptroller, who, it should be noted, has repeatedly informed the Police (the Surrey Police and the Newport Police) that only a mere human error of failure to inspect documents has occurred and that the Registers are *"not necessarily incorrect"* as a result thereof.

SCHEDULE 1

Background to the Comptroller's Establishment of Unlawful & Improper Registration Procedures

Background to the Comptroller's Establishment of Unlawful & Improper Registration Procedures

180. **This Matter** is far more than merely “*curious*” (Authority **AH-A2 [2001]** refers);
181. This Matter exposes very serious malpractice at the heart of the Intellectual Property System;
182. This Matter exposes appalling, purposeful procedures by which the “*very serious commercial consequences*” referred to in Authority **AH-A1 [1997]** lie dormant in very many cases, protected from exposure only by the Comptroller's long-standing misrepresentation of his statutory duties and by his purposeful misdealing with complaints, investigations and proceedings;
183. This Matter shows how the Comptroller has been able to abuse his unique position as both Registrar and Referee of First Instance to suppress the truth and prejudice the administration of complaints, investigations and proceedings;
184. Robust, hard-hitting Particulars of Claim are considered to be necessary in such extraordinary circumstances as these, particularly as the intellectual property matters with which the Comptroller has prejudicially interfered would otherwise be considered on the false grounds of **EVENTS 1, 2, & 3**, as follows:
- i. a fictitious “standard procedure” which has found its way into an altered set of Register Administration Desk Notes without a “change notice” being issued to HMRC or the public and profession of the sorts issued on 24-12-98 [**EVENT 1**];
 - ii. a deceitfully-procured, bogus and wholly misrepresented rule-change (Rule 46 Patents Rules 1995) [**EVENT 2**] which the Comptroller has cited to the Claimant as authorising him to register unaccompanied application Forms signed only by one person – even if that person has provided nothing more than a mere address for service and professes at box 6 of the application to represent the person seeking registration (who is not the registered proprietor);
 - iii. a bogus Notice (Abolition of Stamp Duty) [**EVENT 3**], defying the Comptroller's continuing statutory obligation (i.e. post 28-03-00) to question hybrid documents under §14 and §17 Stamp Act 1891;

185. To ensure that a true and proper understanding of the Intellectual Property System is instated at the outset, the Claimant presents “Extracts” rather than mere quotations therefrom to focus the Comptroller’s mind on exposed cards he has tried to hide.
186. Documentary evidence discovered by the Claimant shows that (i) the persons involved in making the applications in September 2004 for registration of change of proprietorship of IP created by the Claimant knew that they were using a false applicant name and false documents ⁸⁴ and that (ii) many false claims have since been made by those persons variously to the Comptroller, the High Court and HMRC in order to avoid compliance with the terms and conditions of the 15-09-03 sale agreement and with the statutory requirements for registration of transactions.
187. **It is therefore contended by the Claimant that** the Comptroller has developed hitherto secret procedures for hiding and excluding unstamped documents and has pushed his luck too far in the Claimant’s case – so far, in fact, that the Claimant has discovered more sinister procedures, practices and actions than apply to his particular situation.
188. **The Claimant considers it relevant in these extraordinary circumstances to expose these three sinister procedures.**
189. The three significant procedure-establishing events in the further development of the Comptroller’s January 1992-born practice of hiding, without question, unstamped hybrid agreements from the Register and the public are:
- i. **EVENT 1:** The Comptroller’s Notice sent to HMRC on 24-12-98 with regard to ignoring documents accompanying “*appropriately signed*” Forms 21/77;
 - ii. **EVENT 2:** The Comptroller’s deceitful attempts in 1998 & 1999 to change the meaning of “*appropriately signed*” by changing Rule 46 Patents Rules 1995;
 - iii. **EVENT 3:** The Comptroller’s Notice of 24-03-00 with disregard to his continuing statutory duty and obligations under the Stamp Act 1891 following the conditional abolition of Stamp Duty on documents affecting only IP.

⁸⁴ §109 CIPA Guide refers (see [page 91, paragraph 231](#), which presents an extract therefrom and refers to Authorities AH-A5 [1936] to AH-A9 [1972]).

EVENT 1

The Comptroller's Notice sent to HMRC on 24-12-98 with regard to ignoring documents accompanying “*appropriately signed*” Forms 21/77.

190. With the benefit of hindsight and a knowledge of the facts and documents involved, **the Claimant contends that:**
191. the Comptroller informed HMRC on 24-12-98 [see **Extracts# 5-11**] of his intention to ignore documents (if filed with Forms signed by both parties) in order to prepare, in advance, a defence in the event that a fake assignment and/or unstamped assignment was registered **as filed** and was later discovered and disputed;
192. Any such registration (made quite purposefully, in fact, by following the secret procedures in the Desk Notes aforementioned – §4.12 and §4.02, for example) would be claimed by the Comptroller to have been innocently made without noticing the defects (as has been the case here) [**Extract #146-147**];
193. It is clear from the wording of the 24-12-98 letter, and from what happened thereafter, that the Comptroller was not seeking approval from HMRC; and he most certainly did not get it [see **Extracts #9-12**] – indeed the Comptroller proceeded in defiance of HMRC's warnings and requests, and this of itself questions the motive for informing HMRC of the procedural change. (Indeed, HMRC, CIPA and the public were not similarly informed when the Comptroller altered §2.02(5) of the 01-08-07 Desk Notes, reversing the procedure so disapproved of by HMRC for 8 years);
194. **It is a fact that** at the time of the Comptroller's letter of 24-12-98, all approved applications resulted in the automatic register entry “*certified copy filed*” – a hangover from before Rule 46 Patents Rules was changed in 1995, before which change all applicants had to file a copy of their assignment for registration;
195. **It is a fact that** an official excuse was needed for those occasions where filed documents had been **hidden** by the Comptroller, and **Extracts #23 & #170** fulfil that sinister need. The reported change to register entries in 1999 made it all the easier to hide a defective document, by entering “***Form 21/77 filed***”.

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EVENT 2

The Comptroller's deceitful attempts in 1998 & 1999 to change the meaning of "*appropriately signed*" by changing Rule 46 Patents Rules 1995.

196. With the benefit of hindsight and a knowledge of the facts and documents involved, **the Claimant contends that:**
197. In his further attempt to accept all applicants without question and remove **(i) all document checks** (c.3,250 per annum for patents alone) and **(ii) his related liabilities** from the registration procedure, the Comptroller simultaneously (with Event 1) attempted to amend Rule 46 of the Patents Rules 1995 which required the person seeking registration (almost always the self-professed assignee [**Extracts #19, #34 & #35 refer**]) to procure the rarity of an assignor's signature at box 7 of the Form 21/77 also, or else file (as was the all-too-common alternative, so unpopular with and inconvenient to the Comptroller) a copy of the assignment which must then be checked **for evidence of the transaction** and (since the declarations were clearly unreliable in so far as Stamp Duty was concerned [**Extract #10**, at "M", refers]) **for evidence of compliance with the Stamp Act 1891** [**Extracts #1-4 refer**].
198. **It is a fact that** the Comptroller's original intention, as stated in the Draft Regulatory Impact Assessment ("RIA") dated 16-09-98 [**Extract #17**] was to remove the assignor from the registration procedure, as he rarely signed the Form 21/77 and was therefore the stumbling block in the Comptroller's plans for a form-only registration procedure, (a self-service registration process, without question);
199. **It is a fact that** stronger language with respect to the foreseen risk of registering a "*fictitious assignment*" (which is what the Comptroller has in fact done in the instant case) was used in his description of the "Option 3" to better support his recommendation to remove the assignor from the process [**Extracts # 15 & #17**].
200. **MOST IMPORTANTLY, it is a fact that no mention** was made in the RIA of the need for the Stamp Duty declaration to be signed by the assignee, nor of the *easy option* to file a copy of the assignment **instead of providing two signatures**.

201. **It is a fact that** it was deceitful for the Comptroller to declare to the Responsible Minister (who signed the final RIA on 29-11-99 [**Extract #16**]) that Rule 46 required that both the assignor and the assignee **must** sign the application (Form 21/77) ⁸⁵ and only had the stated Options as set out in the RIA.
202. Furthermore, **it is a fact that** it was deceitful to declare that there was a *burden on customers* and that changing rule 46 would **reduce** the number of signatures required. Clearly, there was no benefit to customers from the rule-change, and the Comptroller is fully aware that he could not legitimately register a change of proprietorship on the basis of only a Form 21/77 signed only by one person (irrespective of who that person claimed be signing for, and irrespective of to which party the Comptroller might try to designate the solitary signature). [**Extracts #19, #34, #35** refer – but note “Rule 15” in **Evidence Book 1, A, pp.84-85**].
203. **It is therefore a fact that** the rule-change made no bona fide sense at all – but it would have removed a necessary burden on the Comptroller had the **original plan** succeeded, removing the assignor such that a **single signature** (the purported intended **benefit** of the change) of the person claiming to be the assignee would kill two birds with one stone (i.e. complete both limbs of the box 7 declaration).
204. By such a change, the Comptroller would register every application for registration without a care for any of his statutory obligations and simply let the applicant take the high ground of a register entry as registered proprietor without question:
- a. Following all three “Events”, according to later Desk Notes, one member of staff managed to rush through an astonishing **45 registrations** in a **single day**.
205. The problem of a **conflict of interest** then arises when “*a fictitious assignment*” is discovered by a complainant, (say, the Claimant), who is prejudiced by the malpractice;

⁸⁵ If the Comptroller should claim that his definition “application” in the RIA is wider than that expressed in Rule 46(1) and includes any supporting documentary evidence filed with the Form 21/77, he will run into the Patents Act 1977, which, prior to his procurement of an amendment to §30(6) on 01-01-05, required both the assignee and the assignor to sign an assignment (i.e. supporting evidence); Clearly a change to a mere Rule (r.46) could not remove the statutory requirement under the Act for both signatures to appear on the actual evidence of assignment filed (in original or copy form) with a Form 21/77 not bearing both signatures. [**Evidence Book 1, A, pp.82-86**, particularly **p.84-85** “Rule 15” & **p.86**, refer].

206. **These Particulars** show how the Comptroller's **conflict of interests** has caused a five-year-long dispute - because he would not hold his hand up and tell the truth.
207. The Comptroller may have *appeared to* hold his hand up in his letter of 12-11-07, but he certainly did not apologise for what he had actually done, and he most certainly **did not tell the truth** with regard to the critical matters of signatures on Forms 21/77, Stamp Duty and document inspection. [See **Extract #146-147**].
208. **In fact**, the Comptroller described a fictitious "*standard procedure*" (also referred to in his 12-11-07 letter as "normal procedure") and *apologised* for not adhering to it.
209. In bogus support of the fictitious "*standard procedure*", section instructions, called "Desk Notes", were later disclosed by the Comptroller (in pdf and printed form) after ten months of obstructing the Claimant's requests for disclosure thereof under the Freedom of Information Act 2000 and amidst written claims from the Comptroller that no changes had been made to the Desk Notes since 01-08-07 nor to his "*practices in this area in recent years*" (going back at least to October 2003).
210. However, Investigators from the Information Commissioner's Office ("ICO") discovered that the disclosed Desk Notes had been altered at §2.02(5) [see **Extract #14**] from those which should have been sent to the Claimant and which the Investigators discovered on the Comptroller's Registers Manager's computer at c. 11:15am on 20-05-09 [see **Extract #11**, which tallies with **Extracts #5-12**].
211. The Claimant has been obstructed by the Information Commissioner since 20-05-09.
212. The Information Commissioner knows what a *late alteration date* means for the Comptroller, personally, and does not want the Claimant or the Police to have the "Requested Information" – the true date upon which Desk Notes [**Extract #14**] were altered at §2.02(5) – and has disclosed bogus dates and decoy documents stripped of the date information requested, and has deceived the Claimant in respect of the evidence held at the ICO and the (only) electronic format in which it is held.
213. The Gwent Police Authority is now investigating Newport Police's conduct in defiance of robust Statements and Exhibits filed by the Lancashire Constabulary supporting a case for discovery of the altered electronic document now known also to be held in its original form by the IC on his email server. [\[Back to Events Index\]](#)

EVENT 3

The Comptroller's Notice of 24-03-00 with disregard to his continuing statutory duty and obligations under the Stamp Act 1891 following the conditional abolition of Stamp Duty on documents affecting only IP.

214. With the benefit of hindsight and a knowledge of the facts and documents involved, **the Claimant contends that:**
215. **It is a fact that** on 21-03-00 and 23-03-00, HMRC made it clear to the Comptroller that the conditional abolition of Stamp Duty on 28-03-00 would not remove the problem he had thus far devised his own strategies to get around (albeit illegitimately) – the problem of significant Stamp Duty liabilities in respect of **other property** affected by the same agreements and assignments relied upon for the settlement and/or transfer of IP [see **Extracts #25 & #27**].
216. The Comptroller had always recognised large Stamp Duty liabilities in respect of property which was not IP for what they were – a potentially insurmountable barrier to legitimate registration.
217. **It is a fact that** the Comptroller therefore went out of his way to misrepresent the effects of the conditional abolition on his own statutory duties and obligations, giving the false impression in his Notice [**Extracts #155-156**] that it was up to the person seeking registration to make sure that the registration was valid, when, quite clearly, HMRC had hammered the point home to the Comptroller on several occasions ⁸⁶ that **he** must ensure that he does not register a transaction which relies on an unstamped document.
218. It is clear from the aforementioned Notice that the Comptroller was going to defy §14 Stamp Act 1891 and be liable penalty under §17 Stamp Act 1891 if he registered a transaction effected by an unstamped dutiable hybrid assignment.
219. For centuries, HMRC relied on registrars to trap people who unwittingly transferred various property by the same document, but the Comptroller would not oblige.
- 220. Between the Comptroller and HMRC, they created a nightmare scenario for a person who needs to make another person do what he ought to have done.**

⁸⁶ See Appendix 1, Schedule 5, page 100, paragraphs 247 & 248

221. **This Matter** demonstrates why §32(3) Patents Act prohibits the Comptroller from registering and taking notice of any trust whatsoever – and why the Comptroller, who has hidden many an agreement to assign, is at pains to claim that §32(3) refers not to incomplete transactions, but rather to organisations, “e.g. N...H...S...”.
222. The Comptroller’s perverse strategy has resulted in him ignoring the Stamp point and claiming, in bogus response to valid challenges, that he was *right* to register a transaction as an assignment on 20-09-04, that the register entry *might* be correct, and *if* not, that he would have been correct to register the transaction as an agreement to assign – an express trust.
223. Such a ridiculous defence, as he has presented in the instant case, contradicts the Acts and Rules (in spite of the amendments he has managed to slip through by deceiving Responsible Ministers with a veto and by ignoring those – such as CIPA – with the awareness to raise valid objections) [**Evidence Book 1, A, pp84-86**].
224. HMRC has a serious problem, as it approved the Comptroller’s Notice in defiance of §17 Stamp Act 1891 and it is clear from the Register of Patents for GB2267412 that a defective, unstamped hybrid agreement was **excluded** from the Register, in a manner not dissimilar to that instructed in §4.12 and §4.02 of the Desk Notes;
225. HMRC clearly has a conflict of interests in this Matter too, as (i) its Deputy Director approved the aforementioned Notice [**Extract #154**], (ii) its Solicitors have confirmed a breach of the Stamp Act 1891 and a liability to penalty under §17 Stamp Act 1891 [**Extract #104**], and (iii) HMRC had all the evidence of the purposeful exclusion of a mutilated copy of an unstamped hybrid sale agreement from the Register of Patents at 14:58:59 hrs on 20-09-04 and the applicant’s knowledge of the false applicant name and false documents as filed on 09-09-04, and must therefore consider the Matter under §114, schedule 17 Finance Act 1999 [**Extract #165**], if not for themselves to bring an action, then at least so that the Matter may be put before the Attorney General for consideration.
226. HMRC have a **Prosecutors Pledge**, under which the Claimant could seek relief, and have the documentary evidence which shows that **neither** the applications **nor** the registrations were made in good faith; but having approved on 23-03-00 the means for such registrations, HMRC will not declare the Matter to the Attorney General for what it **truly** is, so the Claimant must bring proceedings himself.

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SCHEDULE 2

EXTRACTS FROM

THE STAMP TAXES MANUAL

(AMENDED MARCH 2002)

(A concise introduction to Stamp Duty)

SCHEDULE 2

EXTRACTS FROM THE STAMP TAXES MANUAL (AMENDED MARCH 2002)

CHAPTER 1 : AN OVERVIEW OF STAMP DUTY & STAMP DUTY RESERVE TAX

Overview

Who We Are

1.1 The Inland Revenue Stamp Taxes Office is the oldest part of the Inland Revenue and celebrated its 300th Anniversary in 1994. We were once responsible for collecting duty on a wide range of activities, covering matters as disparate as medicine bottle labels, playing cards, dice and cheques.

1.2 We are now responsible for the assessment and collection of stamp duty on documents used to effect the sale and transfer of interests in property, mainly land and buildings, and shares and other securities. We also administer the collection of stamp

.....

Stamp Duty

1.5 Stamp Duty is under the care and management of the Board of Inland Revenue (See the Inland Revenue Regulation Act 1890 and Section 1 of the Stamp Duties Management Act 1891).

Stamp Duty is a Tax on Documents

1.6 Stamp duty is a tax payable on documents which transfer certain kinds of property, and on some other legal documents. 'Property' means all items capable of being owned, not just land or houses, but not all transfers of property are dutiable. When property can merely be handed over (the legal term for this being 'passing by delivery'), for example a car, furniture etc., there is no charge to stamp duty because there is no document executed on which to charge the duty. Some property, such as houses, land, shares in a company and goodwill of a business, may be transferred only in a prescribed legal form.

1.7 The Stamp Act 1891 provides that documents liable to stamp duty may not be registered or used unless they have been duly stamped. Since owners want to be able to demonstrate their title to property they are effectively required to have their document stamped if they want anyone, including a Court, to take notice of it. These are the documents we deal with and upon which we impress stamps.

.....

SCHEDULE 2

Administration

Unstamped Documents

1.15 Documents are sent to a Stamp Office (or brought to the public counter) for stamping. An unstamped document cannot be relied upon nor can it be used for legal purposes, such as registering a transfer of ownership or production as evidence in Court, except in a criminal case. (Section 14(4) Stamp Act 1891)

1.16 There are penalties for presenting a document for stamping more than 30 days after the date it was executed (or after the date on which it was first brought into the UK, if it was executed overseas). There is also interest payable if the stamp duty due on a document is not paid within 30 days of the date the document was executed, regardless of where it was executed. See Chapter 3 for full instructions on penalties and interest.

.....

Adjudication

1.17 There is a procedure known as “adjudication” (See Chapter 6 for full instructions regarding adjudication) under which the Board can be asked to give an opinion on the liability to duty of any document which has been executed. The duty can then be calculated and our decision notified to the applicant, and there is a right of appeal to the Courts against our decision. Apart from the adjudication process, there are no powers to assess stamp duty or enforce its collection thus we do not have assessments in the income tax sense. We rely on the general legal disabilities which follow from leaving a document unstamped. The position is quite different where Stamp Duty Reserve Tax is involved.

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END OF SCHEDULE 2

SCHEDULE 3

Falsification of the Registers

Schedule 3 - Falsification of the Registers

227. **The Claimant contends that a person who falsifies the Register of Patents, Register of Registered Designs, or Register of Trade Marks** by procuring a registration of change of proprietorship of intellectual property rights (“IPR”) on behalf of an essentially inactive and insolvent company not using its designated legal name whilst

- i. not having executed the prescribed assignment of the claimed IPR pursuant to an *agreement to assign*; ⁸⁷ and whilst
- ii. claiming to have procured an assignment of IPR without notice of the obligations upon assignees to pay royalties; and whilst
- iii. tendering in evidence of assignment a mutilated copy of a mere *agreement to assign* having first removed the pages which would otherwise
 - a. disclose the *declaration of trust* to hold the IPR pending assignment; and otherwise
 - b. disclose the prescription of dutiable and exempt assignments not yet executed,

may be prosecuted under:

- a. §109 Patents Act 1977;
- b. §34 Registered Designs Act 1949;
- c. §94 Trade Marks Act 1994.

228. A person being a director of a body corporate for which is procured a registration of proprietorship of IP by falsification may be prosecuted, held liable for, and punished for, the offences of the body corporate under:

- a. §113 Patents Act 1977;
- b. §35A Registered Designs Act 1949;
- c. §101(5) Trade Marks Act 1994.

⁸⁷ §30.10 CIPA Guide and Authorities **AH-A1 [1997]** and **AH-A2 [2001]** refer to agreements to assign. For falsification by the applicant team, **Extracts #77-136, #143-144, #166-168, #171, #180 and #68-76 et al** refer. For falsification by the Comptroller, **Extracts #122-126, #130-137, #1-4, #5-28, #34 & #35, #42-52, (#122, #131, #20, #53, #23 ensemble), (#2-3, #123-125, #59, #130, #132, #172 ensemble), #145-159 et al** refer].

229. A registrar who makes a false entry on the Register of Patents, Register of Registered Designs, or Register of Trade Marks may be prosecuted under:

- a. §109 Patents Act 1977;
- b. §34 Registered Designs Act 1949;
- c. §94 Trade Marks Act 1994.

230. **The Claimant contends that** the instructions at §4.12 and §4.02 of Reg Admin Desk Notes and corresponding sections in the earlier Desk Instructions are evidence that the Comptroller “*deliberately shut his eyes to the obvious [and] refrained from inquiry because he suspected the truth*” * that Stamp Duty had not been paid on an instrument either filed as evidence by a person seeking registration of an assignment (§4.02 Desk Notes and corresponding Desk Instructions refer) ⁸⁸ or not filed, but nevertheless referred to by the person seeking registration as being the effective instrument of assignment (§4.12 Desk Notes and corresponding Desk Instructions refers).

231. * An extract from §109 CIPA Guide, below, helpfully brings together the relevant authorities and explains their relevance to the offence of falsification of the Register, any Register.

Knowing the entry or writing to be false

The offences under section 109 require the offender to have knowledge that the register entry or copy is false. A statement which is literally true may be false if an omission creates clearly and intentionally a belief which is wrong (*R. v. Bishirgian* [1936] 1 All ER 586 (CCA)). Whether the person responsible for the falsehood gains by it is not relevant (*Barrass v. Reeve* [1980] 3 All ER 705).

PART III, SECTION 109]

Proof of a person's knowledge can be based on evidence that he “deliberately shut his eyes to the obvious or refrained from inquiry because he suspected the truth but did not wish to have his suspicions confirmed” (*Westminster City Council v. Croyalgrange* [1986] 2 All ER 353; [1986] 1 WLR 674 (HL) per Lord Bridge). The knowledge of an employee or agent may be imputed to his employer or principal where control of the work was delegated to him (*Vane v. Yiannopoulos* [1965] AC 486; [1964] 3 All ER 820 (HL)), but, in the absence of control or delegation, criminal acts by an employee are not imputed to his employer (*Tesco v. Nattrass* [1972] AC 153; [1971] 2 All ER 127 (HL)).

⁸⁸ [Extracts #42-45]

232. **The Claimant contends that** the Events 1, 2 & 3 detailed in Schedule 1 hereto relate to the Comptroller's efforts to "*refrain from inquiry*" because such inquiry could lead to the discovery of unstamped documents which the person seeking registration may decide not to get duly Stamped, thereby ending an income stream for the Comptroller with a potential loss of revenue of up to c. £6,000.
233. **The Claimant contends that** the Comptroller shut his eyes to and denied the truth in what the Claimant reported in his complaints during the years 2004-2009.
234. **The Claimant contends that** had the Comptroller acknowledged the truth when asked to do so, the Claimant would not have been prejudiced by the falsely-registered proprietor's purposeful insolvency by avoidance of financial gain from the exploitation of the invention and IPR by associated companies under the same ultimate ownership and control.
235. **The Claimant contends that** the proving of an offence, by virtue of the mutilated sale agreement and the use of a false applicant name, would have caused the owner/directors of the falsely-registered company to be personally liable to pay him.
236. **The Claimant contends that** had the Comptroller fulfilled his statutory duties and obligations and made the necessary inquiries which he purposefully avoided making on 20-09-03 by otherwise excluding the unstamped document, altering the register entry from the norm so as to register only the Form 21/77, and altering the confirmation letter from the norm so as not to draw attention to the obviously inadequately-signed Form 21/77, the owner/directors of the applicant would have either procured the prescribed assignments or returned the property to SSL.
237. **The Claimant contends that** as the invention made a gross profit of £500,000 on sales in 2003, the most likely outcome would have been the execution of assignments in the full knowledge of the obligations upon assignees.
238. **The Claimant contends that** as the Comptroller gave the owner/directors of the falsely-registered proprietor all that they desired – all the benefits of the IPR, without being held to account for the burden – doing so by virtue of his own falsification of the Register, the Comptroller shielded those persons by not requiring them to execute assignments and endowing them with the appearance of legal and beneficial ownership of the IPR without having to get the 15-09-03 sale agreement duly Stamped.

239. **The Claimant contends that** he is further prejudiced, as the responsible persons will not get the only executed embodiment of the 15-09-03 sale agreement duly Stamped; as a result of this breach of contract, SSL is unable to enforce the terms and conditions of the 15-09-03 sale agreement and claim against the buyers under the indemnities and for breach of contract in response to the Claimant's claim against SSL for breach of contract to pay him £6,000 plus VAT per month.
240. **The Claimant contends that** he has suffered loss of income to 30-11-09 in the sum of £625,268.50 plus VAT (including interest at 8%) due to him by virtue of his contract with SSL ("for the life of the IPR and the products"), **and further contends that** his loss of opportunity to recover this entitlement from the person or persons who owe the said sum to him is a consequence of the Comptroller's breach of statutory duty by positive wrongdoing and unlawful means and as a consequence of the Comptroller's perverse, deceitful and determined defence of his bogus registrations in the full knowledge of the unlawful means by which they were made and with the deliberate intention to cause loss to the Claimant.
241. **The Claimant has set out his Claim for Damages and his requests for Orders in respect thereof in the Statement of Grounds and Facts of which this Schedule is a part.**
242. **The Claimant contends that** the following authorities, referred to in §109 CIPA Guide, are relevant to instant matter for the same reasons they are referred to in §109 CIPA Guide:
- i. ("AH-A5 [1936]") – R. v. Birshigian [1936] 1 A11 ER 586 (CCA)
 - ii. ("AH-A6 [1980]") – Barras v. Reeve [1980] 3 A11 ER 705
 - iii. ("AH-A7 [1986]") - Westminster City Council v. Croyalgrange [1986] 2 A11 ER 353; [1986] 1 WLR 674 (HL per Lord Bridge)
 - iv. ("AH-A8 [1965]") – Vane v. Yiannopoulos [1965] AC 486; [1964] 3A11ER 820 (HL)
 - v. ("AH-A9 [1972]") – Tesco v. Nattrass [1972] AC 153; [1971] 2 A11 ER 127 (HL)

END OF SCHEDULE 3

SCHEDULE 4

THE CLAIMANT'S RIGHT OF ACTION

SCHEDULE 4

The Claimant's Right of Action

243. In order to counter, as best he could, the damaging effects of the Comptroller's breach of Statutory Duty by positive wrongdoing, the Claimant:

- i. opposed SSL's dissolution following the end of its Administrative Receivership in 2006, as it was clear to the Claimant that SSL had not assigned its IPR;
- ii. contacted the last surviving director of SSL in October 2006, showed him evidence of the lack of assignment of SSL's IPR and procured assignments on 23-10-06 of such right, title and interests held in the IPR by SSL;
- iii. filed applications for registration of the assignments at the IPO on 26-10-06;
- iv. was appointed a director of SSL in 2007 and filed dormant accounts;
- v. executed a Deed of Amendment to the 2001 assignments of the IPR to SSL in order to comply with the terms and conditions under which the 2001 assignments were required, by virtue of the covenants in the 1991 Assignments, to be made;
- vi. filed the Deed of Amendment at the IPO;
- vii. Acquired the right, personally, to bring an action in respect of the registered rights and entitlements and in respect of the loss;

NOTE: File 3 of the Core Exhibits refers to the Claimant's rights (see summary index at Annex 4 and full index at Annex 5 of Appendix 3, hereto).

END OF SCHEDULE 4

SCHEDULE 5

About Stamp Duty – Vital Clarification

Registrars' Duty under the Stamp Act 1891

Stamp Duty on Hybrid Agreements & Assignments

About Stamp Duty – Vital Clarification

244. Below, reproduced from Schedule 2 (appended hereto for the purposes of clarity), is an explanatory extract from the Stamp Taxes Manual (Amended 2002):

Stamp Duty

1.5 Stamp Duty is under the care and management of the Board of Inland Revenue (See the Inland Revenue Regulation Act 1890 and Section 1 of the Stamp Duties Management Act 1891).

Stamp Duty is a Tax on Documents

1.6 Stamp duty is a tax payable on documents which transfer certain kinds of property, and on some other legal documents. 'Property' means all items capable of being owned, not just land or houses, but not all transfers of property are dutiable. When property can merely be handed over (the legal term for this being 'passing by delivery'), for example a car, furniture etc., there is no charge to stamp duty because there is no document executed on which to charge the duty. Some property, such as houses, land, shares in a company and goodwill of a business, may be transferred only in a prescribed legal form.

1.7 The Stamp Act 1891 provides that documents liable to stamp duty may not be registered or used unless they have been duly stamped. Since owners want to be able to demonstrate their title to property they are effectively required to have their document stamped if they want anyone, including a Court, to take notice of it. These are the documents we deal with and upon which we impress stamps.

245. Below are reproduced extracts from the Notes from §50, c.51 Finance Act 1973 and the letter [Extract #27] sent to the Comptroller by HM Revenue & Customs on 23-03-00 [Evidence Book 1, A, pp62-67], re; abolition of Stamp Duty:

be adjusted. Conversely, stamp duty must be levied in a final and certain amount on the execution of a document. This is because many dutiable instruments are documents of title which are ineffective unless appropriately stamped and also because of the severe practical difficulties which would arise if a duty once levied upon a document had to be retrospectively amended. The problem has been overcome by this provision which can give a Budget Resolution on stamp duty permanent statutory effect for a limited period.

(Two extracts from HMRC's letter of 23-03-00 [Extract #27] follow):

You will see then that this means that documents where the property consists wholly of intellectual property will no longer need to be stamped before they can be registered at the Patent Office, provided they are executed on or after 28 March.

The exemption will apply to all documents executed on or after 28 March 2000. There will be no ad valorem or fixed stamp duty on any document relating **exclusively** to intellectual property executed on or after that date.

Where an Agreement for Sale or an instrument of transfer consists partly of intellectual property and partly of other chargeable property, an apportionment of the sale price will be made to determine the amount chargeable to duty. The Finance Bill

246. Below are reproduced extracts from the Comptroller's Notice issued on 24-03-00 with misrepresented regard to the conditional abolition of Stamp Duty which came into force on 28-03-00, and his Senior Legal Advisor's email of 23-03-00 which claimed (by implication) that HMRC and Departmental Solicitors had approved the practice set out in the Notice (which, as shown below, involved registering transactions effected by unstamped dutiable hybrid instruments without question and therefore in defiance of earlier warnings and notices from HMRC [**Extracts #9, 10, 176, 25 & 27** hereto refer – see next page for examples] and in breach of §14 and §17 Stamp Act 1891:

From **Extracts #154-156**:

Dear All,

The latest draft (attached) takes into account the suggestions of both departmental solicitors and the Inland Revenue.

Rapid and short approval of the final draft is requested forthwith. Agreement can be communicated by:

telephone ([REDACTED])

Fax ([REDACTED])

e-mail [REDACTED]@patent.gov.uk

[REDACTED]
The Patent Office

For transactions effected on or after that date it will no longer be necessary to establish that any instrument that should have been stamped actually has been stamped before the transaction can be registered in any of the patents, designs or trade marks registers.

Consequently the declarations relating to stamp duty on patents Form 21/77, registered designs Form 12A and trade marks Form TM16 will not serve any legal purpose for transactions effected on or after 28 March 2000, and, accordingly they no longer need to be completed for such transactions.

APPENDIX 2

LISTS

APPENDIX 2

LISTS OF:

<i>Authorities</i>	106
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Authorities

The Claimant will contend that the following Authorities are relevant to his Claim herein

257. (a) This case has much in common with two intellectual-property-related Stamp Duty cases (“**AH-A1 [1997]**” & “**AH-A2 [2001]**”), and two Stamp Duty cases “**AH-A3 [1996]**” & “**AH-A4 [1903]**”:

- i. (“**AH-A1 [1997]**”) - Coflexip Stena Offshore Ltd’s Patent [1997] RPC 179;
- ii. (“**AH-A2 [2001]**”) - Nutrinova v. Arnold Suhr [2001] WL1676817;
- iii. (“**AH-A3 [1996]**”) - Parinv (Hatfield) Ltd v IR Commissioners [1996] STC 933;
- iv. (“**AH-A4 [1903]**”) - Maynard v. The Consolidated Kent Collieries Corporation Ltd [1903] 2 K.B. 121.

(b) Authorities **AH-A5 [1936]** to **AH-A9 [1972]**, below, are helpfully referenced in §109 CIPA Guide, an extract from which is set out in Schedule 1 hereto, in which Schedule the Claimant sets out further particulars:

- v. (“**AH-A5 [1936]**”) – R. v. Birshigian [1936] 1 A11 ER 586 (CCA)
- vi. (“**AH-A6 [1980]**”) – Barras v. Reeve [1980] 3 A11 ER 705
- vii. (“**AH-A7 [1986]**”) - Westminster City Council v. Croyalgrange [1986] 2 A11 ER 353; [1986] 1 WLR 674 (HL per Lord Bridge)
- viii. (“**AH-A8 [1965]**”) – Vane v. Yiannopoulos [1965] AC 486; [1964] 3A11ER 820 (HL)
- ix. (“**AH-A9 [1972]**”) – Tesco v. Nattrass [1972] AC 153; [1971] 2 A11 ER 127 (HL)

(c) Authorities **AH-A10 [1848]** to **AH-A15 [2007]** relate to tort, loss & damages:

- x. ("**AH-A10 [1848]**") - Robinson v Harman (1848) 1 Ex 850
- xi. ("**AH-A11 [1854]**") - Hadley v Baxendale (1854) 9 Ex 341
- xii. ("**AH-A12 [1978]**") - Parsons (Livestock) Ltd v Uttley Ingham Ltd [1978] QB 791
- xiii. ("**AH-A13 [2007]**") - Golden Strait Corporation v Nippon Yusen Kubishiki Kaisha (The Golden Victory) [2007] 1 CLC 352 HL
- xiv. ("**AH-A14 [1950]**") - Heskell v. Continental Express [1950] 1 All ER 1033
- xv. ("**AH-A15 [2007]**") - OBG Ltd and others v Allan and others; Douglas and another and others v Hello! Ltd and others; Mainstream Properties Ltd v Young and others and another [2007] UKHL 21

Statutory Instruments

**The Claimant will contend that the following Statutory
Instruments are relevant to his Claim herein**

258. “The Acts”:

Intellectual Property (“IP”)

- i. The Patents Act 1977, as at the disputed registration date 20-09-04;
- ii. The Registered Designs Act 1949, as at the disputed registration date 24-09-04;
- iii. The Trade Marks Act 1994, as at the disputed registration date 27-09-04;

Stamp Duty

- iv. The Stamp Act 1891, as at the date of execution of the excluded unstamped Sale Agreement, 15-09-03, and as at the abovementioned (registration) dates;
- v. The Finance Act 1973 § 50, c.51, Note
- vi. The Finance Act 1999 §114, schedule 17;
- vii. The Finance Act 1999 paragraph 19 schedule 13;
- viii. The Finance Act 2000 §129, schedule 34;
- ix. The Finance Act 2002 §116(2), schedule 37;
- x. The Finance Act 2003, (Modernisation of Stamp Duty);

259. “The Rules”:

Intellectual Property

- i. The Patents Rules 1995, as at 20-09-04;
- ii. The Registered Designs Rules 1995, as at 24-09-04;
- iii. The Trade Marks Rules 2000, as at 27-09-04.

Register Administration Desk Instructions/Notes

**The Claimant will contend that the following Register
Administration Desk Instructions/Notes are relevant (but
not necessarily exclusively) to his Claim herein**

260. Over the years, the Comptroller has developed practices, procedures, and staff training methods for the performance (and also, it is self-evident therefrom, for the avoidance) of his statutory duties in respect of the registration of transactions, instruments and events under the Acts and Rules.

261. Some of these practices, procedures and methods are set out in documents called ***Desk Instructions*** (to 14-06-05) and ***Reg Admin Desk Notes*** (from 15-06-05).

262. The following documents have been discovered, amidst much obstruction:

- i. Amended Desk Instructions for the period January 1992 to June 2005;
- ii. Reg Admin Desk Notes dated 15-06-05 disclosed to the Claimant on 08-10-08;
- iii. Reg Admin Desk Notes dated 15-06-05 discovered by the ICO ⁹⁰ on 20-05-09;
- iv. Reg Admin Desk Notes v.3 dated 01-08-07 disclosed to the Claimant on 02-09-08;
- v. Reg Admin Desk Notes v.3 dated 01-08-07 discovered by the ICO on 20-05-09;
- vi. Reg Admin Desk Notes 1 dated 01-08-07 discovered by the ICO on 20-05-09;
- vii. Reg Admin Desk Notes v.2 dated 01-08-07 discovered by the ICO on 20-05-09;

263. NOTE: For almost two years, the Claimant has been reliant on the Freedom of Information Act 2000 (“FOIA”) in his pursuit of discovery of these documents, and information relating thereto, such as the true date upon which the Comptroller altered the procedure at §2.02(5) of his *purported* original 2007 Desk Notes as at 01-08-07, which altered-procedure complies (but only after alteration, of course) with the Comptroller’s claims of procedure in his letter to the Claimant of 12-11-07, but has since been found to **conflict** absolutely with an opposite procedure at §2.02(5) of the **actual** (requested, but withheld) 2007 Desk Notes as at 01-08-07 (v.2) discovered by Investigators from the Information Commissioner’s Office on 20-05-09.

⁹⁰ The Information Commissioner’s Office, more specifically, Investigators from the ICO.

APPENDIX 3

APPENDIX 3

EXTRACTS FROM EXHIBITS

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CORE BUNDLE

<u>ANNEX 4</u>	<i>Summary of Index of Core Exhibits</i>	313
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MAIN EVIDENCE BUNDLE

<u>ANNEX 6</u>	<i>Summary of Index of Evidence</i>	328
<u>ANNEX 7</u>	<i>Full Index of Evidence</i>	333

APPENDIX 3

ANNEX 1

SUMMARY OF INDEX OF 'EXTRACTS FROM EXHIBITS' (AT APPENDIX 3, ANNEX 3)

ANNEX 1

SUMMARY OF INDEX OF ‘EXTRACTS FROM EXHIBITS’ **(AT ANNEX 3)**

(EXTRACTS ARE SCREENSHOTS OF DOCUMENTS FROM THE EVIDENCE BUNDLE)

1-4	<i>Statutory requirements for registering assignments, as declared to the High Court</i>
5-14	<i>Procedure Change, not inspecting filed doc.s if Form 21/77 is signed by <u>both</u> parties</i>
15-19	<i>Attempt (deceitful) to make the Form 21/77 appear registrable with only 1 signature</i>
20-24	<i>Standard register entry for assignments, whether or not filed doc.s are inspected</i>
25-29	<i>The true effect of s.129 FA 2000 on registration of dutiable transactions affecting IP</i>
30-39	<i>IPO practice with regard to validating signatures on Forms 21/77</i>
40	<i>Authority explaining “Agreement to Assign” and “Formal Assignment”</i>
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54-57	<i>IPO Procedures for dealing with Form 21/77 applications during a known dispute</i>
58-63	<i>Notice of dispute, and Claimant’s request for registration of 1991 Assignments</i>

64	<i>WGM's action upon receipt of notice of application to register 1991 Assignments</i>
65-66	<i>Explanation that a valid applicant name – designated legal name - must be used</i>
67-76	<i>Extracts show that WGM knew they were applying to register a false applicant name</i>
77-82	<i>Extracts from the certified unexecuted counterpart of the 15-09-04 Sale Agreement</i>
83-92	<i>Explanatory documents re; Clauses 4.4, 4.5 (assignment) and 13.2 (Stamp Duty).</i>
93-103	<i>Sale Agreement extracts continued</i>
104-121	<i>Stamp Duty – claims in respect thereof</i>
122-144	<i>WGM's application for registration of change of proprietorship of GB2267412</i>
145-182	<i>2007-2009 IPO covers up the practices of ignoring & excluding filed documents</i>

END OF ANNEX 1 SUMMARY OF INDEX

ANNEX 2

FULL INDEX OF EXTRACTS FROM EXHIBITS AT ANNEX 3

(EXTRACTS ARE SCREENSHOTS OF DOCUMENTS FROM THE EVIDENCE BUNDLE)

Statutory requirements for registering assignments, as declared to the High Court

1. The Comptroller's Skeleton Argument dated 09-08-07 (**procedure**), paras 4-6
2. Continued, paras 7-9
3. Continued, paras 10-12 **Note:** both parties must sign an unaccompanied Form 21/77
4. Continued, para 13

Procedure Change, not inspecting filed doc.s if Form 21/77 is signed by both parties

5. Extract, letter from IPO to Inland Revenue, 24-12-98, p.1 para 1, **changing practice**
6. Continued, page 1 para 3 **Note:** the RIA (below, **#15 - 17**) options were not the **same**
7. Continued page 2 para 1 **Note:** documents would still be **registered** (see Extract **#19**)
8. Comptroller's 24-12-98 Notice, later published in the Journal on 27-01-99
9. HMRC's **warning** letter to the Comptroller of 07-01-99, refers to s.17 Stamp Act 1891
10. Extract, HMRC's advisory booklet, CIPA Journal in Sept. 1999. (**see "M"** objection)
11. **s.2.02(5)** of 01-08-07 Desk Notes discovered by ICO Investigators at IPO on 20-05-09
12. Email, IPO to Claimant 19-10-07 stating that practice has **not changed** in recent years
13. Extract, CEO to Claimant 12-11-07 claiming **standard procedure opposite** to above
14. **s.2.02(5)** of 2007 Desk Notes sent to Claimant on 25-07-08 after **alteration** by IPO

Attempt (deceitful) to make the Form 21/77 appear registrable with only 1 signature

15. Extract, Regulatory Impact Assessment (RIA), Final Version, first page, **paras 1-3**.
16. RIA recommendation Rule 15, signed 29-11-99, does **not** mention Stamp Duty
17. Draft of the RIA misrepresents the options under r46 and seeks **bogus** change
18. Extract, page 1 of Patent Directorate Instruction 3/99 ("PDI 3/99"). **2 sigs** still needed
19. Page 2 of PDI 3/99, Rule 15, demonstrating **no benefit** from rule change whatsoever

Standard register entry for assignments, whether or not filed doc.s are inspected

- 20. Extract, **minutes** of the Practice Meeting with CIPA held at IPO on 24-01-01.
- 21. Extract, Register for GB2267412 showing the **former** standard register entry.
- 22. Extract, Register for EP0606630 showing **replacement** standard register entry.
- 23. Extract, letter from Comptroller to **complainant** seeking copy of documents **filed**.
- 24. Extract, Register for GB2376562, entry for applicant who filed **only** a Form 21/77.

The true effect of s.129 FA 2000 on registration of dutiable transactions affecting IP

- 25. Extract, HMRC's letter to Comptroller, 21-03-00 re; Stamp Duty **after** 28-03-00.
- 26. IPO Draft Notice, Abolition Stamp Duty, ignoring HMRC's **limitations** of the abolition
- 27. Extract, HMRC's letter to Comptroller, 23-03-00 re; Stamp Duty **after** 28-03-00.
- 28. Extract, Desk Instructions setting out internal **practice** at the IPO as at 20-09-04.
- 29. Extract, EPO website presents IPO **practice** with regard to Stamp Duty at "7".

IPO practice with regard to validating signatures on Forms 21/77

- 30. Extract, Desk Instructions, return forms 21/77 **together** with documents (or **alone**).
- 31. Extract, Desk Instructions, "Signatures must be written against **identifiable** parties"
- 32. Continuation of previous screenshot.
- 33. Rule 90, Patents Rules 1995 "**Appointment of Agent**" as at 20-09-04 (can **sign**).
- 34. IPO internal email, 21-12-99, single signature to be **identifiable** against a party.
- 35. IPO internal email dated 21-12-99 (**response** to the above email) (see **#19, PDI**).
- 36. Extract from Desk Instructions "Signatures...". Note the **last** sentence.
- 37. Continuation of the above. Refers to "**Agreements to Assign**".
- 38. Continuation of the above. **Note:** Agreements to Assign clearly give rise to disputes.
- 39. Continuation of the above. (Bibliography).

Authority explaining "Agreement to Assign" and "Formal Assignment"

- 40. Extract from Coflexip Stena Offshore Ltd's Patent [1997] RPC 179. [Jacob J.]

Desk Instructions (01-01-92 to 15-06-05)

- 41. Extract, Desk Instructions, “Undated Assignments” **misunderstood** effect.
- 42. Extract, Desk Instructions, “Effective Dates”. Instruct to register **fake** assignments.
- 43. Extract, Desk Instructions, paragraph 6 instructs staff to **hide main agreements**.
- 44. Extract, Desk Instructions, “Documents Not Open to Public Inspection” (**NOPI**).
- 45. Continuation of above. Prima facie, hiding documents began in **January 1992**.

Desk Notes (15-06-05 to 01-08-07)

- 46. Extract, later revision of Desk Instruction “15-06-05 Desk Notes”, (**NOPI** chapter)
- 47. Email from IPO, 27-11-08, refers to a request to **inspect** files (re NOPI practice).
- 48. Extract, 15-06-05 Desk Notes, s.4.12 “Effective Dates”. Paragraph 3 **modified**.
- 49. Extract, 01-08-07 Desk Notes, s.4.12 “Effective Dates”. **Now** refers to Coflexip.

Explanations of the consequences of hiding agreements and registering short-forms

- 50. Jacob J’s “**Conclusion**” from Coflexip Stena Offshore Ltd’s Patent [1997] RPC 179.
- 51. Extract, Coflexip Stena Offshore Ltd’s Patent [1997] RPC 179. **Mr. Miller** QC said.
- 52. Extract, Desk Instructions describing the **role** of the IPO assignments section.
- 53. Extract, Desk Notes, how “straightforward assignment” is **entered** into the Register

IPO Procedures for dealing with Form 21/77 applications during a known dispute

- 54. Extract, Desk Instructions in use in September 2004 “**Dispute Management**”.
- 55. Continuation of the above. **Preventing** registrations during disputes.
- 56. Continuation of the above. Call for **re-inspection** of letters, Forms and documents.
- 57. Continuation of the above. **Remove** incorrect entries without litigation.

Notice of dispute, and Claimant’s request for registration of 1991 Assignments

- 58. Extract, letter, Claimant to Comptroller, 26-08-04 **referring to a dispute**.
- 59. IPO internal email, 31-08-04, **doubt expressed** regarding Wilson Gunn M’Caw.
- 60. Letter to Claimant, 01-09-04, Comptroller **agrees to register** 1991 Assignments.
- 61. IPO Letter to Claimant, 25-07-05, re purpose of **standard confirmation letters**.
- 62. IPO Letter to Claimant, 20-09-04, **confirming registration** of 1991 Assignments.
- 63. Extract from Register for GB2267412 **printed at 14:35:21 hrs on 20-09-04**.

WGM's action upon receipt of notice of application to register 1991 Assignments

64. IPO Letter to WGM re Claimant's application to register the 1991 Assignments.

Explanation that a valid applicant name – designated legal name - must be used

65. Extract from 15-06-05 Desk Notes "**Trading As**". (See continuation #66, below).
66. Continuation of above. An applicant must use its **designated legal name**.

Extracts show that WGM knew they were applying to register a false applicant name

67. Extract from the Form 21/77 completed by WGM. False applicant name at box 4.
68. Letter to WGM dated 23-01-04 from Solicitors NG&J with enclosures.
69. Extract, Certificate of incorporation on change of name from Tonewear Ltd.
70. Letter, WGM to EPO, 21-07-04, change of name, enclosing copy of certificate.
71. Letter, WGM to EPO, 16-09-04, resending certificate of change of name.
72. Letter, WGM to IPO, 16-09-04, requesting TM registration in non-legal name.
73. Extract, Trade Marks Form TM16 (REV2) in the applicant name "Tonewear Ltd".
74. Extract, letter, WGM to IPO, 18-11-04, seeks registration of change of name.
75. Extract, certificate of change of name dated 29-10-04 specially procured by WGM.
76. IPO standard confirmation letter to WGM, 16-12-04, re change of name.

Extracts from the certified unexecuted counterpart of the 15-09-04 Sale Agreement

77. Extract (front page), unexecuted counterpart to the executed sale agreement.
78. Continued. [note: the other counterpart (executed) was held by NG&J, Solicitors].
79. Continued. [note: NG&J made a copy, removed seven pages, and sent to WGM].
80. Continued.
81. Continued.
82. Continued. (and to be continued, after explanation below)

Explanatory documents re; Clauses 4.4, 4.5 (assignment) and 13.2 (Stamp Duty).

- 83. Email, NGJ, 11-09-03, to Solicitors for Sense-Sonic Ltd's Administrative Receivers
- 84. Extract, amended draft agreement showing NG&J's amendment to clause 4.5.
- 85. Extract, earlier draft agreement as at 10-09-03 showing clause 4.4 and clause 4.5.
- 86. Extract, explanatory Memo. 11-09-03, NG&J to Brassington & potential investors.
- 87. Email, 06-10-06, from SSL's Admin. Receivers re: **assignments not executed**.
- 88. Extract, letter, 05-10-06, D. Young & Co. to IPO, re **specific** "assignments of IPR".
- 89. Extract, email, 10-10-06, Brassington to IPO, re **specific** "assignments of IPR".
- 90. Continued.
- 91. Email, 19-10-06, D.Y&Co retreat and claim Agreement itself is **the Assignment**.
- 92. Extract, letter 31-10-06, D.Y&Co, attempt to explain away 05-10-06 letter [Extract #88]

Sale Agreement extracts continued

- 93. Extract, unexecuted counterpart of 15-09-03 sale agreement, continued.
- 94. Continued.
- 95. Continued.
- 96. Continued.
- 97. Continued.
- 98. Continued.
- 99. Continued.
- 100. Continued.
- 101. Continued.
- 102. Continued.
- 103. Continued. Re: Stamp Duty liabilities

Stamp Duty – claims in respect thereof

- 104. Letter, HMRC, 29-10-08, Comptroller is liable to penalty under s.17 Stamp Act
- 105. Extract, Brassington's witness statement to High Court on 09-08-07. Para 4.
- 106. Continued, para 20& 21.
- 107. Continued, para 24, statement of truth and signature by Jeremy Guy Brassington
- 108. Extract, Brassington's Skeleton Argument, 09-08-07, for two of his companies.

109. Email, Brassington to HMRC 31-07-07 - claims about NG&J's Stamp Duty advice
110. Email, Brassington to HMRC 13-08-07 - claims about Stamp Duty
111. Email, Brassington to IPO16-10-06 – changed claims in light of Memo. [Extract **#86**]
112. Continued.
113. Email, Claimant to NG&J(K&LGates) 21-11-07 citing Brassington's claims of 20-11-07
114. Email, K&LG to Claimant 05-12-07, exposing Brassington's claims to IPO as false.
115. Extract, Counterstatement ,Trade Mark, presenting Brassington's more recent claims
116. Continued. **Note:** paras 83 & 86 misrepresent s.129 FA2000 [Extracts **#25 & #27** refer]
117. Continued. **Note:** para 93 refers to Extracts **#129 & #68** (para 85, there is no analysis)
118. Continued. **Note:** para 97, Brassington claims he instructed Solicitors to "complete".
119. Continued. **Note:** para 104 (equitable title); para 107 – see Rule 41(3) TM Rules 2000
120. Continued. Note: para 110-111, reference to equitable title shows understanding.
121. Continued. Signature page, signed by Jeremy Guy Brassington, December 2007.

WGM's application for registration of change of proprietorship of GB2267412

122. WGM's letter to the Comptroller dated 09-09-04 requesting registration of a Form 21/77 and a certified extract (copy) from an "agreement dated 15 September 2003".
123. Extract from the Form 21/77 filed by WGM on 09-09-04 (by fax), showing application in a name ("Tonewear Ltd") which was not a **designated legal name**. [see Extract **#66**]
124. Remainder of page 1 of the Form 21/77 showing box 5 and box 6, to which the **standard confirmation letter** [see Extract **#132**] would necessarily refer, on account of there being space in box 6 to enter status as an Agent.
125. Extract of Form 21/77 showing page 2, with box 7 signed only by WGM and no status (other than at box 6) identified. [Extract **#59** expresses doubt as to status].
126. Extract of Form 21/77 showing the remainder of page 2, with box 8 and the notes on completing the Form.

127. Declaration signed by WGM's technical assistant on 09-09-04 certifying the copy of the extract of the certified copy of the 15-09-03 Sale Agreement sent to WGM by Nicholson Graham & Jones on 23-01-04 as being the original assignment documentation.
128. Email dated 07-05-08 from Mark Lund, Solicitor for SSL's Administrative Receivers, confirming that there is no record of his clients having authorised WGM to sign any IPO Forms on behalf of SSL.
129. Email from WGM to Jeremy Brassington, 14-01-04, requesting the "*original assignment documentation*" and offering to advise with regard to registration.
130. Non-standard confirmation letter sent to WGM by IPO on 20-09-04, with the reference to box 6 of the Form 21/77 deleted.
131. Extract from the Register for GB2267412 (a copy of the document sent to WGM by IPO on 20-09-04 in accompaniment to the non-standard confirmation letter).
132. Example of a **standard confirmation letter** referring to box 6. [see also [#172](#)].
133. Email from the Claimant dated 23-09-04 to Steve Adkins (for the Comptroller) complaining about the registration of change of proprietorship.
134. Email from the Claimant dated 24-09-04 to Steve Adkins (for the Comptroller) complaining about the lack of evidence of assignment in the mutilated sale agreement.
135. Email from Steve Adkins (for the Comptroller) dated 24-09-04 to the Claimant stating "*This is all we look at to register a transaction*". He enclosed an extract from the Assignment guide notes.
136. Extract from the assignment guide notes which the Comptroller states were sent with Mr. Adkins' email of 24-09-04. The Form 21/77 must present two signatures if no documentary evidence is filed by the person seeking registration.
137. Email from Paul Twyman, IPO Senior Legal Advisor, to Steve Adkins dated 28-09-04.
138. IPO internal email from Paul Twyman to Steve Bender dated 17-11-04.
139. Continued.

- 140. Continued.
- 141. Continued.
- 142. Extract from the Register for GB2267412 showing the eventual entry of the royalty entitlements on the Register on 14-01-05.
- 143. Letter from WGM dated 16-12-04 to the Comptroller (one of four) attempting to undermine the royalty entitlements.
- 144. Continued.

2007-2009 IPO covers up the practices of ignoring & excluding filed documents

- 145. Extract showing s.2.02(5) from DESK NOTES 1 which, like Pat Ass DN Ver2, presents the opposite instruction to that presented in the Desk Notes (just four pages) sent to the Claimant by the Comptroller under the Freedom of Information Act after an 8 month obstruction to disclosure (where were printed from Ver3).
- 146. Extract, Comptroller's letter to Claimant dated 12-11-07 [further to Extract **#13**, see also continuation **#147**, below]
- 147. Continued.
- 148. Extract, Comptroller's letter to Claimant dated 26-11-07 referring to the "apparent conflict between the form and the accompanying documents" and stating that registration should not have been made without first resolving the conflict.
- 149. Extract from IPO website showing a record of a complaint by person/s unknown.
- 150. Letter to Claimant from IPO dated 25-04-08 acknowledging complaint about s.32.09 and s.126 Manual of Patent Practice regarding Stamp Duty.

151. Letter to Claimant from IPO dated 17-06-08 attempting to justify the statements in s.32.09 and s.126 of the Manual of Patent Practice and give the impression that the Comptroller was fully aware of the requirements under the Stamp Act 1891.
152. Continued.
153. Continued.
154. Email and Fax from Frank Miles, Senior Legal Advisor at the IPO dated 23-03-00, to persons from whom he sought approval of the Draft Notice [see Extract #155-156].
155. IPO Draft Notice (as published on 24-03-00) with regard to the Abolition of Stamp Duty.
156. Continued.
157. Email from Debbie Cooke, IPO Registers Manager, to the Claimant dated 12-02-08 stating that the Comptroller accepts that the 15-09-03 Sale Agreement is not effective as an assignment.
158. Letter from the Deputy Comptroller to the Claimant dated 03-03-08 confirming that a Review by a Senior Officer of the Comptroller's decision not to correct the Register had been requested by the Claimant
159. Email from the Comptroller to Jeremy Brassington dated 06-05-08 confirming that the Claimant had sought a Review by Senior Officer of the Comptroller's decision not to correct the Register and that the decision was *"currently under review by a senior officer, at Mr. Hall's request"*.
160. Letter from HMRC to Claimant dated 05-02-08 presented as being a Formal Notice of Decision on Adjudication on the 15-09-03 Sale Agreement, requiring only the payment of £30,765 to complete the Adjudication process.
161. Continued.
162. Continued.
163. Continued.

164. Extract, Finance Act 1999 paragraph 19, schedule 13, showing that Agreements to Assign are dutiable in the event that any prescribed Formal Assignment which is dutiable (upon execution) has not been executed.
165. Extract from the Finance Act 1999 – section 114, schedule 17 by which HMRC may bring an action against a person who is liable to penalty by reason of fraud.
166. Extract from Jeremy Brassington’s Witness Statement JB1 in Entitlement Proceedings in which he claimed that Conversor Products Ltd was the manufacturer and seller of the invention (“the Conversor”).
167. Extract from Jeremy Brassington’s Witness Statement JB2 in Entitlement Proceedings in which he claimed that Conversor Products Ltd *“derives income from the manufacture and sale of products called the conversor (hereinafter “products”)*”.
168. Extract from Conversor Products Ltd’s Second Counterstatement in Entitlement Proceedings claiming that all revenue was retained by the manufacturer and sell of the Conversor, Glentronics Ltd, which by this time, 2006, had been asset-stripped by Jeremy Brassington and was in Administration.
169. Extract from CIPA Journal December 1999, re: Stamp Duty and register entry defects.
170. Extract from the IPO complaints (examples) database describing the Comptroller’s version of his handling of the complaint referred to in Extract #23.
171. Letter from the Buyers’ Solicitors to SSL’s Administrative Receivers dated 02-09-04 putting off executing assignments, but keeping the door open in case the applications for registration were rejected.
172. Extract from standard confirmation letter from IPO to WGM dated 16-12-04 with regard to the registration of change of name of the registered proprietor.
173. Extract email (letter) from IPO to Mr. Hall dated 28-06-07 warning of “ugly result” of proceedings (royalty entitlement) if SSL did not assign the Patent to “Tonewear Ltd”.

174. Power of Attorney, signed by Mr. Hall personally and as Managing Director of Select Hearing Systems Ltd (“SHS”), appointing Wilson Gunn & Ellis and four named partners as agents & representatives in the matter of the International Patent Application on 14-02-92.
175. Email dated 26-03-09 from the Law Society regarding Solicitors’ conduct and Stamp Duty.
176. Extract from HMRC’s letter to IPO dated 20-12-99 advising on Stamp Duty responsibilities and offering assistance without reservation.
177. Email from WGM to Mr. Hall dated 25-06-07 stating that WGM do not have, and never have had, a complete copy of the 15-09-03 Sale Agreement.
178. Extract from Mr. Hall’s telephone bill showing calls made by him between 16-06-04 and 18-06-04 to WGM, Turner Parkinson and Robson Kay & Co (the Solicitors and selling agents, respectively, for SSL’s Administrative Receivers), BDO (liquidators of Select Hearing Systems, assignor of the IPR to SSL on 06-04-01) and the IPO.
179. Email from IPO to Mr. Hall dated 03-04-08 confirming, for HMRC’s information, that the 15-09-03 sale agreement was the document sent as evidence of assignment of SSL’s IPR.
180. Email from HMRC to Mr. Hall dated 30-07-07 confirming HMRC’s view that the 15-09-03 sale agreement was not effective as an assignment, that it was dutiable as a settlement of the debt, and that the IPO would have to confirm the stamp duty position before accepting any assignment.
181. Extract from the Register of Patents for GB2267412 showing the recordal of Mr. Hall’s filing of the 23-10-06 assignment on 26-10-06.
182. Extract from a faxed letter from Barclays Bank to SSL dated 28-08-02 establishing a £2,267,000 overdraft facility.

END OF ANNEX 2

APPENDIX 3

ANNEX 4

INDEX OF EXTRACTS FROM CORE EXHIBITS

Exhibits may be viewed on-line at:

www.theinventivesteps.co.uk/core_exhibits.html

ANNEX 4

SUMMARY OF INDEX OF EXTRACTS FROM CORE EXHIBITS

PAGE	FILE	DESCRIPTION
	No.	
14	1	Comptroller's Register Administration Practice
64	2	Sense-Sonic Ltd's Acquisition
132	3	Claimant's Rights & Applications for Registration
222	4	Mr. Brassington's Acquisition
297	5	Mr. Brassington's Applications for Registration
339	6	Mr. Brassington's Opposition
394	7	Claimant's Opposition

To view the Core Exhibits click on the following hyperlinks:

<u>FILE 1</u>	<u>www.theinventivesteps.co.uk/corebook1draft.pdf</u>
<u>FILE 2</u>	<u>www.theinventivesteps.co.uk/corebook2draft.pdf</u>
<u>FILE 3</u>	<u>www.theinventivesteps.co.uk/corebook3draft.pdf</u>
<u>FILE 4</u>	<u>www.theinventivesteps.co.uk/corebook4draft.pdf</u>
<u>FILE 5</u>	<u>www.theinventivesteps.co.uk/corebook5draft.pdf</u>
<u>FILE 6</u>	<u>www.theinventivesteps.co.uk/corebook6draft.pdf</u>
<u>FILE 7</u>	<u>www.theinventivesteps.co.uk/corebook7draft.pdf</u>

APPENDIX 3

ANNEX 5

FULL INDEX OF CORE EXHIBITS

CORE EXHIBITS INDEX - AJH FILE No.1

Comptroller's Register Administration Practice

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
14	EXHIBIT INDEX			1
16	Extract - Patent Office ("IPO") letter to Inland Revenue Stamp Office ("HMRC")	24/12/1998	AJH- 01- 01	3
17	Patents and Designs Directorate Instruction sent to HMRC and published on 27-01-99	24/12/1998	AJH- 01- 02	4
18	HMRC letter to IPO	07/01/1999	AJH- 01- 03	5
18	HMRC's published objection to Exhibit AJH-2	**/09/1999	AJH- 01- 04	5
19	Extract from 15-06-2005 Patents Register Administration Desk Notes showing at s.2.02 (5) that, as per AJH-01-02, staff were instructed to ignore documents if the Form 21/77 bore the signatures of the assignor and the assignee (or their respective Agents, if they had them)	15/06/2005	AJH- 01- 05	6
20	Extract - Patent Directorate Instruction 3/99, Rule 46(2) Amendment	22/12/1999	AJH- 01- 06	7
21	Extract- Regulatory Impact Assessment, Rule 46(2) Amendment	22/12/1999	AJH- 01- 07	8
22	IPO Senior Officers' internal email correspondence re Rule 46(2) Amendment and Stamp Duty	21/12/1999	AJH- 01- 08	9
23	Extract - IPO Patent Practice Meeting Minutes re: Chartered Institute of Patent Agents' ("CIPA") objection to standard register entry wording, with marked notes providing helpful reference to extracts from actual registers (below) using the standard wording, before and after the changes were made to "Optics"	24/01/2001	AJH- 01- 09	10
23	Extract - Copy of Register of Patents For GB2267412, register entry	09/07/2001	AJH- 01- 10	10
23	Extract - Copy of Register of Patents For GB2262241, register entry	20/09/2004	AJH- 01- 11	10
24	Extract - s.2.03 Patents Register Administration Desk Notes, register entry instructions to IPO staff	15/06/2005	AJH- 01- 12	11
24	Extract - CIPA Journal - comment on use of standard register entry wording	**/09/1999	AJH- 01- 13	11
25	Extracts - three relevant published customer complaints to IPO and IPO responses	2006-2008	AJH- 01- 14	12
26	Extracts - Draft Regulatory Impact Assessment, Rule 46(2), Amendment	16/09/1998	AJH- 01- 15	13
27	Email from Sue Williams, IPO, to Claimant warning of "ugly result" if the defendant in entitlement proceedings does not in fact have an assignment of GB2267412	09/12/2007	AJH- 01- 16	14
29	Extract - Patents Register Administration Desk Notes, showing the number of 21/77 registered in one week, showing that Ceri Steiner administered 45 in just one day	01/08/2007	AJH- 01- 17	16
30	IPO letter to HMRC	09/12/1999	AJH- 01- 18	17
32	HMRC letter of reply to IPO	20/12/1999	AJH- 01- 19	19
35	IPO letter of reply to HMRC	07/01/2000	AJH- 01- 20	22

CORE EXHIBITS INDEX - AJH FILE No.1 (continued)

Comptroller's Register Administration Practice

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
36	HMRC letter to IPO	21/03/2000	AJH- 01- 21	23
38	IPO letter of reply to HMRC	22/03/2000	AJH- 01- 22	25
39	IPO letter to HMRC re; Journal Notices	22/03/2000	AJH- 01- 23	26
40	IPO Draft Notice for Journals Etc.	23/03/2000	AJH- 01- 24	27
41	HMRC letter of reply to IPO	23/03/2000	AJH- 01- 25	28
43	IPO internal email seeking approval of Notice	23/03/2000	AJH- 01- 26	30
44	IPO amended Draft Notice for internal approval	23/03/2000	AJH- 01- 27	31
45	IPO letter to Claimant re: Stamp Duty & MOPP	25/04/2008	AJH- 01- 28	32
46	Extracts from IPO DESK NOTES 1.doc discovered at IPO by I.C.O. Investigators on 20-05-09	01/08/2007	AJH- 01- 29	33
53	Extracts from IPO Desk Notes as at 20-09-04 (as amended between 01-12-91 and 14-06-05)	20/09/2004	AJH- 01- 30	40
56	IPO email confirming no change in practice since 2003	19/10/2008	AJH- 01- 31	43
57	IPO letter of apology with declarations as to practice	12/11/2007	AJH- 01- 32	44
59	Page 14 from what IPO claimed to be 01-08-07 Patents Register Administration Desk Notes, showing at s.2.02 (5) that, contrary to the much later discovered AJH-01-02, staff were instructed to inspect documents whether or not the Form 21/77 bore the signatures of the assignor and the assignee (or their respective Agents, if they had them) . This was sent to the Claimant as a printed page on 25-07-08 and later as a pdf file on 02-09-08	25/07/2008	AJH- 01- 33	46
60	Extracts from the Comptroller's Review of the Claimants requests for information in 2009 under the FOI Act 2000 with reference to the Desk Notes	12/05/2009	AJH- 01- 34	47
63	Email to Claimant from the Investigating Officer from the Information Commissioners' Office after it was dicovered that page 14 of the Desk Notes had been altered at s.2.02(5), as alleged by the Claimant, so as not to conflict with the Comptroller's claims in his letter of 12-11-07, AJH-01-43.	27/05/2009	AJH- 01- 35	50

CORE EXHIBITS INDEX - AJH FILE No.2

Sense-Sonic Ltd's Acquisition

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
64	EXHIBIT INDEX			1
65	Letter from Addleshaw Goddard to the Claimant	09/07/2004	AJH- 02- 01	2
66	Letter from BDO providing a copy of the sale agreement between Select Hearing Systems Ltd ("SHS") and Sense-Sonic Ltd ("SSL")	17/05/2006	AJH- 02- 02	3
67	2001 sale agreement between SHS and SSL	06/04/2001	AJH- 02- 03	4
83	2001 patent assignment from SHS to SSL	06/04/2001	AJH- 02- 04	20
88	2001 Trade mark assignment from SHS to SSL	06/04/2001	AJH- 02- 05	25
93	Letter from Wilson Gunn M'Caw to IPO seeking registration of a Form 21/77 and supporting document	29/05/2001	AJH- 02- 06	30
94	Completed and registered Patents Form 21/77	29/05/2001	AJH- 02- 07	31
96	Letter to WGM from IPO seeking confirmation of assignor's correct address	12/06/2001	AJH- 02- 08	33
97	Letter from WGM to IPO confirming change of assignor's address	28/06/2001	AJH- 02- 09	34
98	IPO's confirmatory letter upon registration of the Form 21/77 and patent assignment, in the standard form	09/07/2001	AJH- 02- 10	35
99	Completed and registered Trade Marks Form TM16	29/05/2001	AJH- 02- 11	36
101	Email to Claimant from Addleshaw Goddard summarising the circumstances surrounding the allotment of shares in the Claimant's name, referred to by Mr. Brassington in Exhibit AJH-	22/08/2006	AJH- 02- 12	38
104	SSL Board Meeting Minutes re: overdraft facility guarantee	19/06/2002	AJH- 02- 13	41
107	Deed signed by Mr. Paul Davidson agreeing to do certain things, demonstrating control both at Sense-Sonic Ltd and at Galileo Innovation plc	19/06/2002	AJH- 02- 14	44
109	Letter to SSL from Addleshaw Goddard declaring the guarantee over SSL's overdraft to be in breach of s.330 Companies Act 1985. A debenture had been set up in favour of the guarantor in consideration for the guarantee	10/01/2003	AJH- 02- 15	46
111	News Report, SSL buys Leaf Technologies Ltd for £1,000,000	11/07/2002	AJH- 02- 16	48
112	Company Profile of Leaf Technologies Ltd	15/08/2002	AJH- 02- 17	49
113	Letter to SSL from Barclays Bank PLC offering an overdraft facility in the sun of £2,267,000	28/08/2002	AJH- 02- 18	50
116	Intercompany debt account spreadsheet, May to September 2002	11/11/2002	AJH- 02- 19	53
127	Letter to SSL from Barclays Bank PLC reducing the overdraft facility to £1,800,000	30/09/2002	AJH- 02- 20	64
128	Companies House list of Glenronics Ltd (formerly Leaf) Appointments showing Galileo appointed as corporate director of Leaf Technologies Ltd on 12-02-03	16/06/2005	AJH- 02- 21	65
131	Companies House details of Appointment of Administrative Receivers (Conn & Dick)	30/07/2003	AJH- 02- 22	68

CORE EXHIBITS INDEX - AJH FILE No.3

Claimant's Rights & Applications for Registration

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
132	EXHIBIT INDEX			1
134	Power of Attorney under the Patent Cooperation Treaty ("PCT") signed by the Claimant in favour of Wilson Gunn & Ellis	14/02/1992	AJH- 03- 01	3
135	PCT Notification showing the Claimant as joint applicant	20/01/1992	AJH- 03- 02	4
136	Email from IPO to Claimant confirming that the PCT Rules Rule 90 has not materially changed	09/02/2006	AJH- 03- 03	5
137	Rule 90, PCT Rules		AJH- 03- 04	6
139	Register of Patents for GB2267412	30/07/2008	AJH- 03- 05	8
143	Assignment of GB2267412 from SSL to Claimant	23/10/2006	AJH- 03- 06	12
145	Register of Designs for No. 2027609	30/07/2008	AJH- 03- 07	14
148	Register of Designs for No. 2022759	30/07/2008	AJH- 03- 08	17
151	Assignment of Designs from SSL to Claimant	23/10/2006	AJH- 03- 09	20
153	Register of Trade Mark No. 1488225	30/07/2008	AJH- 03- 10	22
158	Assignment of Trade Mark from SSL to Claimant	23/10/2006	AJH- 03- 11	27
160	Ten patent registers for other persons' patents which had assignments administered in the same week as GB2267412 (20-09-04)	* */09/2004	AJH- 03- 12	29
181	Claimant's itemised telephone bill showing calls made to IPO and others between 15-06-04 and 07-09-04	07/09/2004	AJH- 03- 13	50
185	Claimant's letter from Northern Light Music Ltd to the Comptroller requesting registration of 1991 assignments for the avoidance of future disputes	26/08/2004	AJH- 03- 14	54
186	IPO internal email from Paul Twyman (Senior Legal Adviser) to Steve Bender (Assignments Section Manager) discussing the 26-08-04 request and doubt as to who the Address for Service now represented	31/08/2004	AJH- 03- 15	55
187	Letter from IPO to Claimant at Northern Light Music Ltd inviting application for registration of 1991 assignment	01/09/2004	AJH- 03- 16	56
188	Letter from Claimant to IPO referring to a formal request for registration of 31-07-91 and 18-12-91 Assignments	02/09/2004	AJH- 03- 17	57
189	Completed Form 21/77 sent to IPO on 02-09-04 with the letter AJH-045 and copies of the Assignments AJH-047 and AJH-048	02/09/2004	AJH- 03- 18	58
191	Assignment of Application for Patent dated 31-07-91	31/07/1991	AJH- 03- 19	60
194	Assignment of Invention dated 18-12-91	18/12/1991	AJH- 03- 20	63
196	IPO RS Sheet booking in the Form 21/77 on 03-09-04	03/09/2004	AJH- 03- 21	65
197	Not Open to Public Inspection Folder insert sheet "GB2267412 115/36.04 (red)" discovered in a purchased copy of the Comptroller's File for the Patent GB2267412	03/09/2004	AJH- 03- 22	66
198	IPO letter to Wilson Gunn M'Caw with information for the registered proprietor, Sense-Sonic Ltd	08/09/2004	AJH- 03- 23	67
199	IPO letter to the Claimant at Northern Light Music Ltd confirming registration of the Form 21/77 and official evidence, and seeking notification of any errors	20/09/2004	AJH- 03- 24	68
200	IPO copy of an extract from the Register of Patents for GB2267412 printed by IPO at 14:35:21hrs on 20-09-04, which accompanied exhibit AJH-052	20/09/2004	AJH- 03- 25	69
202	Deed of amendment to 06-04-01 Assignment of Patent and Patent Applications from Select Hearing Systems Ltd to Sense-Sonic Ltd and the Claimant, sent to IPO for registration, but not registered	14/11/2007	AJH- 03- 26	71

CORE EXHIBITS INDEX - AJH FILE No.3 (continued)

Claimant's Rights & Applications for Registration

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
208	Commission/Consultancy Agreement between Sense-Sonic Ltd and the Claimant, March 2001, unsigned	* */03-2001	AJH- 03- 27	77
215	Bank Statement and Remittance Advice Notes to show that the issuing of shares to the Claimant by SSL in July 2001 was not in consideration for the Claimant giving up all rights to payment in respect of the exploitation of the Conversor and all his and NLM's rights, title and interests in the IPR.	2001-2003	AJH- 03- 28	84
221	Email from Mark Lund, Solicitor for Sense-Sonic Ltd's Administrative Receivers, to the Claimant confirming that SSL's accounting books & records (showing all payment to the Claimant via NLM and all amounts owing to SSL by Glentronics Ltd - £1,333,558.30) were left at Glentronics Ltd (Formerly Leaf Technologies Ltd) in Belfast	06/07/2007	AJH- 03- 29	90

CORE EXHIBITS INDEX - AJH FILE No.4

Mr. Brassington's Acquisition

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
222	EXHIBIT INDEX			1
224	Extract from Bulldog Partner Ltd's annual return showing Mr. Brassington and Mr. Mundy as the directors and shareholders	27/05/2004	AJH- 04- 01	3
229	BVCA membership details for Bulldog Partners showing wealth of shareholders and expertise	02/05/2006	AJH- 04- 02	8
230	CV of Mr. Brassington's Solicitor, Robin Tutty, showing that he is expert in the area of insolvency sales	09/04/2007	AJH- 04- 03	9
231	Leaf Technologies Ltd's CEO's request to Mr. Brassington for funding to finance a management buyout of Leaf from Sense-Sonic Ltd ("SSL"), including IPR summary from Wilson Gunn M'Caw dated 05-08-03	05/08/2003	AJH- 04- 04	10
235	Fax from Mr. Brassington to Mr. Jon Moulton seeking finance for his offer to purchase SSL's assets from Administrative Receivers Mr. Stephen Conn & Mr. Andrew Dick	05/09/2003	AJH- 04- 05	14
240	Revised offer letter from Mr. Brassington to Mr. Conn's agent	05/09/2003	AJH- 04- 06	19
242	Letter from David Kay, agent for Mr. Conn to Mr. Brassington's Solicitor re: visit to Leaf Technologies Ltd on 12-09-03	05/09/2003	AJH- 04- 07	21
243	Extracts from 10-09-03 and 11-09-03 draft sale agreement with covering emails	11/09/2003	AJH- 04- 08	22
247	Memorandum from Nicholson Graham & Jones to Mr Brassington, Sir Clive Richards & Mr. Jon Moulton and covering documents	11/09/2003	AJH- 04- 09	26
251	Unexecuted sale agreement, an agreement to assign, which HMRC has at first pretended to adjudicate and has lately refused to adjudicate	15/09/2003	AJH- 04- 10	30
270	Mr. Conn's signature page of the 15-09-03 sale agreement certified by Mr. Mark Lund, Solicitor, on 16/06/09	16/06/2009	AJH- 04- 11	49
271	Stock Transfer Form, Leaf Technologies Ltd	29/10/2003	AJH- 04- 12	50
272	Certificate of Incorporation on change of name of Leaf Technologies Ltd to Glentronics Ltd on 20/10/04	20/10/2004	AJH- 04- 13	51
274	Singapore Design Rights Assignment (equitable, signed only by Mr. Conn and a witness - his PA) and covering letter of 08-12-04 from Mr. Conn to Glentronics Ltd (formerly Leaf Technologies Ltd)	15/01/2005	AJH- 04- 14	53
279	Letter from Mr. Conn to Mr. Brassington, Bulldog Partners Ltd (which was not in fact the same Bulldog Partners Ltd which negotiated the purchase of assets), stating that existing third party rights would not be terminated by the administrative receivership	02/06/2005	AJH- 04- 15	58

CORE EXHIBITS INDEX - AJH FILE No.4 (continued)

Mr. Brassington's Acquisition

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
281	Email from Begbies Traynor to Claimant stating that Mark Lund, Mr. Conn's Solicitor, does not think that any assignments were executed pursuant to the 15-09-03 Sale Agreement and would need to be executed for title to transfer	06/10/2006	AJH- 04- 16	60
282	Email from Debbie Cooke, IPO, to Claimant confirming that IPO accepts that the 15-09-03 Sale Agreement is not an assignment	12/02/2008	AJH- 04- 17	61
283	Email from Debbie Cooke, IPO, to Claimant confirming that the 15-09-03 Sale Agreement was sent to IPO as evidence of assignment of SSL's registered IPR	03/04/2008	AJH- 04- 18	62
284	Email from HMRC to Claimant confirming that the 15-09-03 Sale Agreement was not considered to be effective as an assignment	30/07/2007	AJH- 04- 19	63
285	HMRC decision in response to the Claimant's formal request for Adjudication of the 15-09-03 Sale Agreement	05/02/2008	AJH- 04- 20	64
287	sch.13, s.112(3), c.16 Finance Act 1999 confirming that Sale agreements may be chargeable with Stamp Duty in the absence of prescribed assignments	**/ **/ 1999	AJH- 04- 21	66
289	Letter from HMRC to Claimant confirming that the Comptroller has breached s.14 Stamp Act 1891 and is liable to penalty under s.17 Stamp Act 1891	29/10/2008	AJH- 04- 22	68
290	Letter from Debbie Cooke, IPO, to Claimant in response to various requests under the Freedom of Information Act, in particular about Desk Notes and the registration of documentary evidence together with Forms 21/77	08/10/2008	AJH- 04- 23	69
296	Email from the Law Society to the Claimant setting out the position with regard to Solicitors' conduct in matters relating to Stamp Duty and unstamped documents	26/03/2009	AJH- 04- 24	75

CORE EXHIBITS INDEX - AJH FILE No.5

Mr. Brassington's Applications for Registration

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
297	EXHIBIT INDEX			1
299	Email from Mr. Brassington to Wilson Gunn M'Caw	31/12/2003	AJH- 05- 01	3
300	Email from Wilson Gunn M'Caw to Mr. Brassington	14/01/2004	AJH- 05- 02	4
301	Letter from Nicholson Graham & Jones to Wilson Gunn M'Caw	23/01/2004	AJH- 05- 03	5
302	Letter from Wilson Gunn M'Caw to European Patent Office	21/07/2004	AJH- 05- 04	6
303	Letter from Wilson Gunn M'Caw to European Patent Office	16/09/2004	AJH- 05- 05	7
304	Certificate of Incorporation on Change of Name from Tonewear Ltd to Conversor Products Ltd	09/12/2003	AJH- 05- 06	8
305	Letter from Nicholson Graham & Jones to Mr. Conn, Begbies Traynor	02/09/2004	AJH- 05- 07	9
306	Letter from IPO to Wilson Gunn M'Caw warning of intention to register 1991 Assignments for Claimant	09/09/2004	AJH- 05- 08	10
307	Letter from Wilson Gunn M'Caw to IPO seeking registration of a Form 21/77 and an agreement extract	09/09/2004	AJH- 05- 09	11
308	Form 21/77 in the applicant name Tonewear Ltd and signed only by Wilson Gunn M'Caw as purported Agent for the applicant (as indicated at box 6)	09/09/2004	AJH- 05- 10	12
310	WGM certification of the copy of the extract of the 15-09-03 sale agreement	09/09/2004	AJH- 05- 11	14
311	IPO non-standard Letter to Wilson Gunn M'Caw acknowledging receipt of Form 21/77 and documents and confirming registration, but making no reference to the details at box 6 and the need to take further action if considered to be more than just an address for service for the applicant	20/09/2004	AJH- 05- 12	15
312	IPO Copy of extract from the Register of Patents for GB 2267412 showing on 13-09-04 the registration of receipt of WGM's application on 10-09-04 and showing registration on 20-09-04 of only a Form 21/77 and no registration of the document (agreement extract)	20/09/2004	AJH- 05- 13	16
314	Letter from WGM to IPO requesting registration of a Trade Marks Form TM16 and a "certified copy of an extract of an agreement dated 15th September 2003"	16/09/2004	AJH- 05- 14	18
315	Completed Form TM16 signed by WGM as though they were authorised by Sense-Sonic Ltd, which they were not	16/09/2004	AJH- 05- 15	19
318	WGM certification of the copy of the extract of the 15-09-03 sale agreement	16/09/2004	AJH- 05- 16	22
319	The unstamped, mutilated copy of the 15-09-03 sale agreement sent to IPO by WGM with the Form TM16	16/09/2004	AJH- 05- 17	23
332	Trade Marks Assignment check list	17/09/2004	AJH- 05- 18	36

CORE EXHIBITS INDEX - AJH FILE No.5 (continued)

Mr. Brassington's Applications for Registration

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
333	Letter from IPO to WGM confirming registration of change of proprietorship of Sense-Sonic Ltd's Trade Mark and enclosing the Assignment Certificate in the name Tonewear Ltd (not a designated legal name)	29/09/2004	AJH- 05- 19	37
334	Letter from WGM to IPO informing IPO that the name Tonewear Ltd had changed to Conversor Products Ltd and referring to a change of name certificate which WGM had ordered from Companies House so as not to use the certificate with the clear date of change of name shown as being 09/12/03	18/11/2004	AJH- 05- 20	38
335	Patents Form 20/77 sent to IPO by WGM	18/11/2004	AJH- 05- 21	39
336	Change of name certificate ordered by WGM from Companies House and sent to IPO with the Form 20/77 and letter requesting registration of change of name	29/10/2004	AJH- 05- 22	40
337	Letter from IPO to WGM confirming registration of change of name and stating that no further action is necessary if their details at box 6 of the Form 20/77 serve only to confirm that the Address for Service on the Register is correct (rather than making a statement as to their status as an Agent - in which case a Form TM33 is required to be filed)	16/12/2004	AJH- 05- 23	41
338	Email from WGM to Claimant stating that WGM have never seen the complete 15-09-03 sale agreement which they declared to be an assignment	26/06/2007	AJH- 05- 24	42

CORE EXHIBITS INDEX - AJH FILE No.6

Mr. Brassington's Opposition

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
339	EXHIBIT INDEX			1
341	Letter from Nicholson Graham & Jones to the Claimant	10/09/2004	AJH- 06- 01	3
342	Letter from Nicholson Graham & Jones to the Claimant	19/10/2004	AJH- 06- 02	4
343	Letter from IPO to Wilson Gunn M'Caw relating to the registration of royalty entitlements	05/10/2004	AJH- 06- 03	5
344	Letter to Claimant from IPO proposing to register the royalty entitlements	05/10/2004	AJH- 06- 04	6
345	Letter from WGM to IPO opposing the Claimant's entitlements (which they had helped to establish in 1991)	04/11/2004	AJH- 06- 05	7
346	Letter from IPO to Wilson Gunn M'Caw proposing not to alter the original wording for the register entry relating to the royalty entitlements	19/11/2004	AJH- 06- 06	8
348	Letter from WGM to IPO further opposing the Claimant's entitlements	16/12/2004	AJH- 06- 07	10
350	Email from WGM to IPO continuing their objection to registration of the Claimant's entitlement	14/01/2005	AJH- 06- 08	12
351	Register extract as sent to Wilson Gunn M'Caw by IPO with the accompanying email	19/01/2005	AJH- 06- 09	13
353	Email from WGM to IPO continuing their objection to registration of the Claimant's entitlement	04/02/2005	AJH- 06- 10	15
354	Email from IPO to WGM explaining why the register entry was made without their recommended changes	11/02/2005	AJH- 06- 11	16
355	Letter from K&L Nicholson Graham to Claimant claiming that lack of novation was the cause of loss of entitlement	30/06/2005	AJH- 06- 12	17
357	Email from DTI Solicitors to IPO raising concerns about the conduct of WGM	05/07/2005	AJH- 06- 13	19
358	Extract from Letter from D Young & Co to IPO claiming that Mr. Brassington executed assignments of IPR and trying to avoid disclosure of non-existent assignments	05/10/2006	AJH- 06- 14	20
359	Extract from Email from Mr. Brassington to IPO claiming to have acquired the IPR, executed assignments and registered the IPR (three clear steps) in a further attempt to avoid disclosure of non-existent assignments	10/10/2006	AJH- 06- 15	21
361	Email from D Young & Co claiming that the 15-09-03 sale agreement was the assignment of IPR	19/10/2006	AJH- 06- 16	23
362	Page 1 of the Letter from D. Young & Co. (new agents for Mr. Brassington in 2006) to IPO claiming that their earlier claims with regard to assignments on 05-10-06 were made in error. Mr. Brassington's equally clear claims of 10-10-06 were not mentioned	31/12/2006	AJH- 06- 17	24
363	Page 1 of Mr. Brassington's first witness statement JB1 falsely claiming that Conversor Products Ltd made and sold the Conversor	16/05/2006	AJH- 06- 18	25
364	Mr. Brassington's replacement witness statement JB2 falsely claiming that Conversor Products Ltd received the revenue from the exploitation of the Conversor	16/05/2007	AJH- 06- 19	26

CORE EXHIBITS INDEX - AJH FILE No.6 (continued)

Mr. Brassington's Opposition

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
367	Pages 21 & 22 of Mr. Brassington's second counterstatement in entitlement proceedings, contradicting both of his earlier witness statements	**/**/ 2007	AJH- 06- 20	29
369	Letter from Lancashire Trading Standard stating that Mr. Brassington's statement under caution did not correspond with his witness statement to the Comptroller	19/07/2006	AJH- 06- 21	31
371	Mr. Brassington's emails to and from HM Revenue & Customs claiming that the debt owed to Sense-Sonic Ltd by Glentronics Ltd was a capital loan, in order to evade Stamp Duty his Solicitors had in fact advised was chargeable. 31-07-06 to 13-08-06	13/08/2006	AJH- 06- 22	33
374	Letter to Claimant from K&L Gates stating that they no longer represented Mr. Brassington or any of his companies. Not known at the time by the Claimant, but such a withdrawal is in accordance with the Solicitors Code of Conduct as later defined by the Law Society in Exhibit AJH-0 XYZ	18/07/2007	AJH- 06- 23	36
375	Email from Mr. Brassington to IPO and SSL presenting further different claims with regard to Stamp Duty	16/10/2007	AJH- 06- 24	37
376	Email to the Claimant from K&L Gates (formerly Nicholson Graham & Jones) denying having been instructed by Mr. Brassington to conduct a thorough examination of their files for evidence of a capital loan. And Email from Claimant to K&L Gates of 21/11/07 seeking such response	05/12/2007	AJH- 06- 25	38
379	Extract from Mr. Brassington's witness statement to the High Court on 09-08-07 claiming that he was advised by K&L Gates that a debt was a capital loan and that Stamp Duty was not therefore chargeable	09/08/2007	AJH- 06- 26	41
383	Extract from Mr. Brassington's skeleton argument to the High Court on 09-08-07 claiming that he was advised by K&L Gates that a debt was a capital loan and that Stamp Duty was not therefore chargeable	09/08/2007	AJH- 06- 27	45
385	Extract from D Young & Co's letter to IPO claiming that Mr. Brassington had requested Adjudication of the complete copy of the 15-09-03 sale agreement	03/08/2007	AJH- 06- 28	47
386	Extract from Mr. Brassington's Trade Marks Counterstatement falsely claiming that K&L Gates (formerly NG&J) had expressed current views on the Stamp Duty liabilities and that no Stamp Duty needed to be paid to register an assignment of IPR	* */ 12/2007	AJH- 06- 29	48

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Claimant's Opposition

PAGE	DOCUMENT	DATE	EXHIBIT No.	PDF PAGE
394	EXHIBIT INDEX			1
395	Claimant's itemised telephone bill showing calls made to IPO and others between 22-09-04 and 30-09-04	22/09/2004	AJH- 07- 01	2
396	Claimant's email to Mr. Steve Adkins, IPO Assignments Section	23/09/2004	AJH- 07- 02	3
397	Patent Register for GB2267412 printed by IPO at 10:28:29 on 23-09-04	23/09/2004	AJH- 07- 03	4
399	Email from Claimant to Mr. Steve Adkins, IPO, complaining about the lack of evidence of assignment of GB2267412 to "Tonewear Ltd"	23/09/2004	AJH- 07- 04	6
400	Email from Mr. Steve Adkins, IPO, to the Claimant stating that the Comptroller had all that was needed for registration	23/09/2004	AJH- 07- 05	7
401	Assignment Section Guidelines	23/09/2004	AJH- 07- 06	8
402	Assignment Report Sheet	23/09/2004	AJH- 07- 07	9
403	IPO RS Sheet booking in the Form 21/77 on 09-09-04	09/09/2004	AJH- 07- 08	10
404	Email from Paul Twyman to Steve Adkins on 28-09-04 responding to email from Steve Adkins to Paul Twyman on 23-09-02	28/09/2004	AJH- 07- 09	11
405	IPO internal letter to Steve Bender from Paul Twyman	17/11/2004	AJH- 07- 10	12
407	Emails between Paul Twyman, IPO, and DTI Solicitors 22-12-04 and 23-12-04	23/12/2004	AJH- 07- 11	14
408	Companies House Web-check report on Conversor Products Limited showing change of name on 09-12-03	09/12/2003	AJH- 07- 12	15
409	Email from Mark Lund stating that Mr. Conn did not authorise WGM to apply for registration of change of proprietorship of SSL's IPR	07/05/2008	AJH- 07- 13	16

APPENDIX 3 ANNEX 6 & ANNEX 7

SUMMARY & FULL INDICES OF EVIDENCE DOCUMENTS

(NINE BOOKS)

**Evidence Documents may be viewed on-line by clicking the hyperlinks for
each of the nine books**

the online html version of this document (Evidence Index) has more active hyperlinks

www.theinventivesteps.co.uk/evidence.html

ANNEX 6

SUMMARY INDEX OF EVIDENCE DOCUMENTS

BOOK ONE

www.theinventivesteps.co.uk/book1.pdf

A	44	Law Society's view of Solicitors' conduct with respect to Stamp Duty
A	45-46	Comptroller's response to an unrelated complainant in December 2006
<u>A</u>	47-56	Comptroller's change to procedure in 1998 re: documentary evidence
A	57-70	Conditional abolition of Stamp Duty on 28-03-00 with respect to only IP
A	71-76	Comptroller's Freedom of Information Response 08-10-08
A	77-100c	Comptroller's bogus rule change in 1999 and Stamp Duty evasion
A	101-120	Comptroller's sham apologies and various claims to Claimant
<u>B</u>	121-133	Comptroller's Decisions in 2008 not to correct the Registers
<u>C</u>	134-149	Patent, Designs and Trade Mark Registers for the disputed IPR
<u>D</u>	150-170	Other peoples' Registers showing the standard register entry
<u>E</u>	171-177	Blank Patents Form 21/77, Designs Form DF12A and Trade Marks Form TM16(REV2)

BOOK TWO

www.theinventivesteps.co.uk/book2.pdf

F	178-212	Genuine assignments of the IPR in 1991 to Select Hearing Systems Ltd; in 2001 to Sense- Sonic; and in 2006 to the Claimant
<u>G</u>	213-231	Northern Light Music Limited's application to Register its 1991 Assignments in August/September 2004 and Patent Office comments, ending with the "Ugly Result" warning of 28-06-07
<u>Hi</u>	232-251	Establishment of the Claimant's agreement with Sense-Sonic Limited
Hi	252-253	Claimant's efforts to serve notice of his entitlement in August 2003
Hi	254-254	Records of payment to Claimant delivered to Brassington 09/04
Hi	255-256	Brassington claims £60M & £10M Funds; his Solicitor's CV
Hi	257-260	Leaf Technologies Limited applies to Brassington for finance
Hi	261-265	Brassington applies to Mr. Jon Moulton for finance
Hi	266-267	Brassington's Solicitor rejects the Claimant's entitlement claim
Hi	268-277	Brassington's reports to Mr. Jon Moulton in February and June 2004

BOOK THREE

www.theinventivesteps.co.uk/book3.pdf

<u>JK</u>	278-283	Comptroller's skeleton argument of 09-08-07, setting out Register admin.
JK	284-288	Extracts from the Stamp Taxes Manual (as amended March 2002)
JK	289-297	Relevant sections of the Stamp Act 1891(c.33)
JK	298-307	Stamp Duty Notices, s.126 FA 2000, and CIPA Journals
JK	308-328	The Claimant's reports of errors in MOPP, and corrections thereof
JK	329-330	CIPA Guide – s.30.10; Stamp Duty and Agreements to Assign
JK	331-346	Authorities: Coflexip Stena RPC179 and Nutrinova v Arnold Suhr
<u>L</u>	347-348	11-09-03 Memorandum declares Stamp Duty liability on assignment of debt
L	349-349	CIPA Journal recommends the use of "agreements to assign"
L	350-350	Elitesound Ltd purchases share in Leaf – Stamped Stock Transfer Form
L	351-354	Brassington's Solicitors amend draft agreement for separate assignments

BOOK FOUR

www.theinventivesteps.co.uk/book4.pdf

<u>M</u>	355-362	HMRC's response dated 05-02-08 to request for Formal Adjudication, etc.
M	363-380	Evidence that the intercompany trade debt is not exempt from Stamp Duty
M	381-389	Evidence that the unstamped 15-09-03 agreement is not an assignment
M	390-411	Brassington's various false claims of exemption from Stamp Duty
<u>N</u>	412-414	Brassington instructs Wilson Gunn M'Caw ("WGM") re: registration of IPR
N	415-420	WGM use Conversor Products Ltd's name on the Register at EPO
N	421-441	WGM were not authorised to sign Forms for any party. WGM not an Agent

BOOK FIVE

www.theinventivesteps.co.uk/book5.pdf

<u>O</u>	442-475	Comptroller's in-house Patents Desk Notes
<u>PQ</u>	476-483	WGM's falsified application of 09-09-04 re: Patent GB2267412
<u>R</u>	484-492	Designs Guidance, Desk Notes and Form DF12A, false application
<u>S</u>	493-503	Trade Marks guidance and Desk Notes
<u>I</u>	504-522	WGM's falsified application of 16-09-04 re: Trade Mark 1488225

BOOK SIXwww.theinventivesteps.co.uk/book6.pdf

UV	523-528	Claimant's September 2004 complaint about registration, and response
W	529-535	WGM's deceitful application re; change of name from Tonewear Ltd
XZ	536-536	CIPA Guide, s.109; Falsification of the Register
XZ	537-542	Brassington's false claims under statement of truth
XZ	543-548	Brassington's patent and trade mark offences re: Listener & Director
XZ	549-553	Brassington's withheld and false accounts, re: Companies House
XZ	554-555	Brassington's attempt to consolidate various proceedings
XZ	556-560	Brassington's Company Voluntary Arrangement for CPL
XY	561-583	Snoop Report on Brassington's forty+ asset strips

BOOK SEVENwww.theinventivesteps.co.uk/book7.pdf

1	585-585	Index of IPR Acts and Rules
1	586-606	extracts: Patents Act 1977
2	607-620	extracts: Patents Rules 1995 as at 20-09-04 (registration)
3	621-633	extracts: Registered Designs Act 1949
4	634-644	extracts: Registered Designs Rules 1995 as at 24-09-04 (registration)
5	645-660	extracts: Trade Marks Act 1994
6	661-674	extracts: Trade Marks Rules 2000 as at 27-09-04 (registration)

BOOK EIGHTwww.theinventivesteps.co.uk/book8.pdf

A	675-743	Extracts from Patent Register Administration Desk Notes 1995-2005 Hyperlinks to various versions of Desk Instructions and Desk Notes
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BOOK NINE

www.theinventivesteps.co.uk/book9.pdf

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|--------------------------|------------|---|
| <u>A</u> | 744-928 | Communications between Andrew Hall and the Information Commissioner |
| <u>B</u> | 929-979 | Communications between Andrew Hall and the Attorney General |
| <u>C</u> | 980-1222 | Further communications between Andrew Hall and HMRC |
| <u>D</u> | 1223- 1225 | Further communications between Andrew Hall and the Comptroller |

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ANNEX 7

FULL INDEX OF EVIDENCE DOCUMENTS

(Nine Books)

**Evidence Documents may be viewed on-line by clicking the hyperlinks for
each of the nine books**

the online html version of this document (Evidence Index) has more active hyperlinks

www.theinventivesteps.co.uk/evidence.html

BOOK ONE

www.theinventivesteps.co.uk/book1.pdf

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A. Comptroller's Falsification:

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Change to procedures – re: checking documentary evidence:

- 44 Email from the Law Society to Andrew Hall dated 26-03-09 setting out the code of conduct for Solicitors with respect to Stamp Duty
- 45-46 Letter dated 04-12-06 from the Comptroller to an unrelated complainant whose registered licence agreement went missing (or was hidden, by instruction of the Comptroller, in a Not Open to Public Inspection pink jacket). The Comptroller explains that the register entry "*Form 21/77 filed*" applies when no documents are filed by the applicant, and "*Form 21/77 and documents filed*" applies when both a form and documents are filed by the applicant.
- [47-49](#) Letter and Notice from IPO to Inland Revenue ("HMRC") dated 24-12-98 changing practice regarding inspection of documentary evidence
- [50](#) Letter from HMRC's to IPO dated 07-01-99 warning the Comptroller of s.17 Stamp Act 1891 and the effects of the new practice set out in the Notice attached to the IPO's letter of 24-12-98
- [51-52](#) Letter from IPO to HMRC 09-12-99 disputing Stamp Duty payable by overseas customers
- [53-55](#) Letter from HMRC to IPO dated 20-12-99 in response to IPO's letter of 09-12-99
- [56](#) Letter from IPO to HMRC dated 07-01-2000 acknowledging receipt of HMRC's letter of 20-12-99
- Announced change to procedure - Stamp Duty 28-03-00:***
- [57-58](#) Letter from HMRC to IPO dated 21-03-00 re; Stamp Duty after 28-03-00
- [59](#) Letter from IPO to HMRC in response to HMRC's letter of 21-03-00

- [60-61](#) Letter from IPO to HMRC dated 23-02-00 and accompanying Draft Notice
- [62-67](#) Letter from HMRC to IPO dated 23-03-00 commenting on the IPO's Notice and enclosing an extract from paragraph 19 of "the Resolution" relating to Stamp Duty
- [68-70](#) Fax/email from IPO's Senior Legal Advisor to colleagues dated 23-03-00 seeking rapid approval of the attached final draft Notice
- [71-76](#) Letter from the Comptroller to the Claimant dated 08-10-08 in generally evasive response to the Claimants requests for information under the Freedom of Information Act 2000.

Changes to Patents Rules 1995 on 22-12-99:

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- [77](#) "Proposed changes to the Patents and Registered Designs Rules" 20-07-1998.
- [79](#) [AH8](#) "Draft Regulatory Impact Assessment" 17-09-1998
- [82](#) Patent Office response (late) to comments from the Standing Advisory Committee on Intellectual Property "SACIP" with respect to the Rule changes of 22-12-1999.
- [86](#) Extract from comments made by a Chartered Patent Agent dated 03-10-1999.

Eight emails (Fol Act 2000 disclosures) re: lack of a Stamp Duty declaration under the amended Rule 46(2) Patents Rules 1995:

- [87](#) Patent Office in-house email (blanked out name) 10:55 am 21-12-1999.
- 88 [AH11](#) Patent Office in-house email (blanked out name) 10:42 am 21-12-1999 and Patent Office in-house email (blanked out name) 11:37 am 21-12-1999.
- 89 [AH11](#) Patent Office in-house email (blanked out name) 4:16 pm 21-12-1999.
- 90 [AH11](#) Patent Office in-house email (blanked out name) 4:26 pm reply to:
Patent Office in-house email (blanked out name) 11:51 am 21-12-1999
and
Patent Office in-house email (blanked out name) 4:32 pm attaching:
Patent Office in-house email (blanked out name) 4:29 pm 21-12-1999.

91 [AH9](#) “Regulatory Impact Assessment” “FINAL VERSION” signed 19-11-1999.

96 [AH12](#) “Patent Directorate Instruction 3/99”.

98 [AH16](#) News and notices “Patent Office Cuts Red Tape” 23-12-1999.

[100](#) Letters to the Editor (CIPA Journal October 1999) “Stamp Duty”.

100a [AH7](#) Stamp Office Booklet reproduced in CIPA Journal September 1999.

Correspondence regarding errors/irregularities in the Registers

[101](#) [AH19](#) Letter from the Comptroller to the Claimant dated 12-11-07 in **evasive** response to the Claimant’s specific questions on Patent Office Practice.

[103](#) Letter from the Comptroller to the Claimant dated 26-11-07 in **evasive** response to the Claimant’s specific questions on Patent Office Practice.

[105](#) Letter from the Comptroller to the Claimant 11-08-08 in **evasive** response to the Claimant’s specific questions on Patent Office Practice (with enclosures, **H1-A/p.109 –114**):

109 [AH1](#) Summary of the number of applications to register transactions per annum.

[110](#) Comptroller’s evasive responses to the Claimant’s direct questions on procedure.

[115](#) Letter from the Comptroller to the Claimant dated 25-07-08 listing actions and investigations.

[119A](#) Letter from the Comptroller to the Claimant dated 01-02-08 refusing to acknowledge the prima facie evidence of the Register of Patents.

[119B](#) Letter from the Comptroller to the Claimant dated 16-05-08 refusing to stay the revocation, having stayed the proceedings for correction of the Register to enable the Patent to be revoked first.

[119C](#) Extract from the Comptroller's Decision to revoke the Patent (paras 10 – 12) as referred to in his letter of 08-10-08, **H1-A/p.76** para 28.

[120](#) Email from the Comptroller to the Claimant dated 30-07-07 declaring that *"the appearance of an entry on the register does not, in itself, create a right"*.

B. Decision on Proceeding for the Correction of the Registers

Comptroller's Decisions & Further Letters

[121](#) The Comptroller's Decision of 5th February 2008 not to correct the Register.

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[125A](#) The Comptroller's letter to the Claimant of 3rd March 2008 confirming receipt of the Claimant's request for a Review of the Decision on 5th February 2008.

[125B](#) Email dated 6th May 2008, disclosed to the Claimant under the Freedom of Information Act 2000, confirming that a Review by a Senior Officer was under way.

[126](#) The Comptroller's letter to the Claimant of 15th May 2008 intervening in the Review by deciding what evidence the Senior Officer should and should not see.

[127](#) The Comptroller's Decision of 30th June 2008 not to correct the Registers,

C. The Falsified Registers:

The Registers relating to the Claimant's intellectual property rights:

- [134](#) "Patents Status information" "FULL DETAILS", "register entry for GB2267412"
- [138](#) "Designs Full Details", "Register Entry for Design Number 2027609"
- [141](#) "Designs Full Details", "Register Entry for Design Number 2022759"
- 144 [AH34](#) "Trade Mark Details as at 30th July 2008", "Case details for Trade Mark 1488225"
-

D. Others' Patent Registers:

Patent Status Information for other patents which were subject to registration of changes of proprietorship in same week as the Claimant's patent GB2267412 (16th – 22nd September 2004):

- 150 [AH18](#) "REGISTER ENTRY FOR GB2387656"
- 152 "REGISTER ENTRY FOR GB2381876"
- 154 "REGISTER ENTRY FOR GB2208202"
- 156 "REGISTER ENTRY FOR GB2196799"
- 158 "REGISTER ENTRY FOR GB2388919"
- 160 "REGISTER ENTRY FOR GB2287427"
- 162 "REGISTER ENTRY FOR GB2262241"
- 165 "REGISTER ENTRY FOR GB2228419"
- 167 "REGISTER ENTRY FOR GB2145336"
- 169 "REGISTER ENTRY FOR GB2374117"

Note that some 4,500 patents registers which had entries made by the Comptroller between July-October 1999 and between July-October 2004 are available online:

www.theinventivesteps.co.uk/1999.pdf and www.theinvestivesteps.co.uk/2004.pdf

E. Patent Office Forms

Patent Office Application Forms for registering changes of proprietorship

- [171](#) Example of Patents Form 21/77 for use in 2004
- [173](#) Example of Designs Form DF12A for use in 2004
- [175](#) Example of Trade Marks Form TM16(REV2) for use in 2004
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BOOK TWO

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Patent (Application) Assignment (No.1) and the establishment of the claimant's and his Company Northern Light Music Ltd's rights to receive payment

[178](#) 1991 Assignment of Application for Patent

[181](#) 1991 Assignment of Invention

Patent Assignment (No.2) and the registration of change of proprietorship of the Patent GB2267412 from Select Hearing Systems Limited to Sense-Sonic Limited on 9th July 2001

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[183](#) Letter from Wilson Gunn M'Caw to the Comptroller dated 29-05-01 seeking registration of an assignment of GB2267412 to Sense-Sonic Limited, enclosing a Form 21/77 and a certified copy of an Assignment of Patents

[184](#) Form 21/77 dated 29-05-01, signed by Wilson Gunn M'Caw

[186](#) Assignment of Registered Patents to Sense-Sonic Limited dated 6th April 2001

[192](#) Letter from the Comptroller to Wilson Gunn M'Caw querying the address for the registered proprietor on the Form 21/77 dated 29-05-01

[193](#) Letter from Wilson Gunn M'Caw to the Comptroller confirming that the address shown on the 6th April 2001 Assignment for the registered proprietor was correct at the time

194 [AH31](#) Standard Letter from the Comptroller dated 09-07-01 (i) confirming registration of change of proprietorship, (ii) seeking notification of any errors and (iii) referring to the entry at box 6 of the 21/77 as being merely confirmation that the address for service recorded in the Register is correct

Patent Assignment (No.3), Designs Assignment (No.2) and Trade Mark Assignment (No.2), all from Sense-Sonic Ltd to the Claimant on 23rd October 2006

194A [AH33](#) Trade Marks Form TM16 dated 29th May 2001 showing that Wilson Gunn M'Caw completed the Form but did not sign as assignor or assignee as they were not Agents for either party (box 9) and wished only to be Address For Service (box7)

[195](#) Assignment dated 23rd October 2003 between Sense-Sonic Limited and Andrew Hall (Claimant) affecting the Patent No. GB2267412, the Designs No. 2027659 and 2022759, and the Trade Mark No. 1488225

[197](#) Deed of Amendment to the 6th April 2001 Assignment of Select Hearing Systems Limited's registered intellectual property rights to Sense-Sonic Limited

Patent Office Forms used for applying for registration of change of proprietorship to the Claimant

[203](#) Patents Form 21/77 duly signed by the Claimant and by a duly authorised officer of the Assignor, Sense-Sonic Limited

[205A](#) Email disclosed under the Freedom of Information Act 2000 relating to the IPR Assignment from Sense-Sonic Limited to the Claimant which should have been recorded in the Register for GB2267412 on 26th October 2006

[206](#) Patents Form 51/77 appointing Northern Light Music Limited as agent and address for service for the Claimant in respect of the Patent GB2267412

- [207](#) Designs Form DF12A duly signed by the Claimant (which Form was duly accompanied by documentary evidence of the assignment signed by all parties thereto)
- [208](#) Designs Form DF1A appointing Northern Light Music Limited as agent and address for service for the Claimant in respect of the Designs No. 2027659 and 2022759
- [209](#) Trade Marks Form TM16 duly signed by the Claimant and by a duly authorised officer of the Assignor, Sense-Sonic Limited
- [212](#) Trade Marks Form TM33 appointing Northern Light Music Limited as agent and address for service for the Claimant in respect of the Trade Mark No. 1488225
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G. Eventual registration of Northern Light Music Limited's 1991 Assignments in September 2004

Claimant's request to the Comptroller for the registration of royalty entitlement under the Patent GB2267412 and under the Invention

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- [213](#) Letter from the Claimant to the Comptroller dated 26-08-04 seeking permission to apply for registration of the 1991 Assignment of Application for Patent (the priority application for GB2267412) for the avoidance of further dispute
- [214](#) Email from the Comptroller's Senior Legal Adviser, Mr. Paul Twyman, to Mr. Steve Bender of the Patents Assignments Section dated 31-08-04 stating uncertainty with respect to the address for service's (Wilson Gunn M'Caw's) client.
- [215](#) Letter from the Comptroller to the Claimant dated 01-09-04 (i) agreeing to register the 1991 Assignment, (ii) inviting the Claimant to file a Form 21/77 with the appropriate evidence and (iii) providing contact details for professional advice in anticipation of further dispute

- [216](#) Letter from the Claimant to the Comptroller dated 02-09-04 making a formal application for the registration of the 1991 Assignment of Application and the 1991 Assignment of Invention enclosing a completed Form 21/77 and copies of the two Assignments
- [217](#) Form 21/77 signed by the Claimant at box 7 for the applicant Northern Light Music Limited on 02-09-04 with the signatory's name and status clearly entered at box 7
- [219](#) Letter from the Comptroller to Wilson Gunn M'Caw dated 08-09-04 stating (i) that the proprietors of the case, GB2267412, are Sense-Sonic Limited, (ii) that Wilson Gunn M'Caw are the recorded address for service (not to be confused with "Agent" – an authorised signatory), and (iii) that he (Comptroller) has had a request from the Claimant to register the assignment of the "priority case" to Select Hearing Systems Limited
- [220](#) Non-standard letter from the Comptroller to the Claimant dated 20-09-04, on account of the recording of a transaction other than by request via the Address For Service, (i) confirming that he (Comptroller) had registered the 1991 Assignment, (ii) enclosing a copy of an extract from the Register of Patents, (iii) and requesting notification of any error with the name of the present proprietor and/or the address for service
- [221](#) Copy of an extract from the Register of Patents for GB2267412 printed by the Comptroller from his OPTICS database at 14:35:21 hrs on 20-09-04 and sent to the Claimant on together with the letter of 20-09-04 abovementioned and showing the last register entry to be that for Northern Light Music Ltd
- [223](#) Copy of an extract from the Register of Patents for GB2267412 printed by the Comptroller from his OPTICS database at 10:28:29 hrs on 23-09-04 showing an entry on 19-09-04 which was not present on the printed extract dated 20-09-04, and showing also a further entry on 20-09-04 after Northern Light Music Limited's entry - a registration of change of proprietorship

226 [AH20](#) Email dated 28-09-04 from the Comptroller's Senior Legal Adviser, Mr. Paul Twyman, to Mr. Steve Adkins (Assignments Staff ID "SA1"), stating that if the Claimant had a right to be paid royalties by assignees, the Comptroller should agree to record that right in the Register. Mr. Twyman's refers to "Tonewear, Elitesound and Websound".

[227](#) Email from the Comptroller's Senior Legal Adviser, Mr. Paul Twyman, to Mr. Steve Bender of the Patents Assignments Section dated 17-11-04 referring to the registration of Northern Light Music Limited's right to receive royalty payments from assignees of the Patent GB2267412 and stating how important it is that the right party brings the claim.

[229](#) Email from the Comptroller's Solicitors to the Comptroller's Senior Legal Adviser, Mr. Paul Twyman, dated 23-12-04, confirming the effect of registration of the covenants in the 1991 Assignments registered on 20-09-04

[230](#) Email from The Comptroller's Head of Litigation Section, Mrs. Sue Williams to the Claimant (for Northern Light Music Limited) and to D, Young & Co., (for Conversor Products Limited) dated 28-06-07, acknowledging the Claimant's efforts to have the true proprietor, Sense-Sonic Limited, joined to proceedings for the recovery of royalties from the assignee of the Patent GB2267412, and setting out the long-overdue acknowledgement of the further damage to the Claimant which would arise were the Comptroller's registration of a sham as false proprietor of the Patent to be the determined outcome of Northern Light Music Limited's Entitlement Proceedings

HI. The Claimant's Entitlements:

Evidence of payment to Claimant by Sense-Sonic Ltd irrespective of allotment of shares to the Claimant in July 2001

[232](#) Commission/Consultancy Agreement between Claimant & Sense-Sonic Limited

- [239](#) Email from Addleshaw Goddard dated 08-08-06 confirming due diligence of 1991 Assignments
- [241](#) Email from Addleshaw Goddard dated 22-08-06 confirming “lock-in” of shares allotted in the Claimant’s name in July 2001
- [244](#) 24-01-01 Non-Dilution Deed between Sense-Sonic Limited and the Claimant
- [247A](#) Seven RNID Purchase orders made out to the Claimant’s Company Northern Light Music Limited, totalling £80,000 in two months (10th May to 15th July 2001)
- [248](#) Extracts of accounts, remittance advice and final bank statement showing that payments were received by Northern Light Music Limited for the Claimant from 2001 through to January 2003 irrespective of the allotment of shares.
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Evidence of Claimant’s efforts to give notice to any successor to Sense-Sonic Ltd

- [252A](#) Claimant’s itemised BT phone bill – Aug/Sept 2003
- [253A](#) Claimant’s itemised Orange mobile phone bill – Aug/Sept 2003
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Evidence of Brassington’s possession of Sense-Sonic Ltd’s records of payment to the Claimant

- [254](#) Email From Mark Lund, Solicitor to Sense-Sonic Ltd’s Administrative Receivers, dated 06-07-07 confirming that Sense-Sonic Limited’s books and records had been left in the factory (Leaf Technologies Limited) in Belfast – i.e. in the possession of Brassington.
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Evidence of Brassington's and Tutty's expertise in purchasing and stripping underperforming companies

[255](#) BVCA Members' search Results for Bulldog Partners – 02-05-2006

[256](#) CV of Bulldog Partners' regular Solicitor, Robin Tutty

Evidence of efforts to finance the purchase of Sense-Sonic Ltd's assets

[257](#) Extract of Brian Dickie's (General Manager of Leaf Technologies Limited) application for finance, disclosed and blanked out by Brassington. It declares a 200% gross profit margin on Conversor sales.

[259](#) Wilson Gunn M'Caw's summary of Sense-Sonic Limited's IPR (part of Brian Dickie's application for finance)

[261](#) Brassington's urgent application to Mr. Jon Moulton for finance 05-09-03

Evidence of Brassington's rejection of claimants rights to payment

[266](#) Letter from (Tutty) Nicholson Graham & Jones to the Claimant 10-09-04

[267](#) Letter from (Tutty) Nicholson Graham & Jones to the Claimant 19-10-04

Evidence of Conversor Sales and success

[268](#) Brassington's report to investors of 09-02-04 showing £750,000 Conversor sales

[273](#) Brassington's report to investors of 30-06-04 showing £128,000 royalties claimed by Brassington

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Evidence of the Comptroller's view of the Patent Register and requirements for registration

[278](#) Comptroller's Skeleton Argument, High Court, dated 08-08-07 ([original pdf](#)).

The Comptroller's non-compliance with the Stamp Act 1891(c.33)

[284](#) Extract from the Stamp Taxes Manual (Chapter 1, Overview...) re: prohibition of unstamped documents for registration purposes; re: formal adjudication of unstamped documents

Relevant Sections of the Stamp Act 1891(c.33):

[289](#) Section 5 (re: "*Charge of Duty upon instruments*")

[290](#) Section 12 (re: "*Adjudication Stamps*")

[292](#) Section 12A (re: "*Adjudication Stamps*")

[294](#) Section 13 (re: "*Adjudication Stamps*")

[295](#) [AH36](#) Section 14 (re: "*Production of instruments in evidence*")

[296](#) Section 16 (re: "*Entries upon Rolls, Books etc.*")

[297](#) [AH37](#) Section 17 (re: "*Entries upon Rolls, Book, etc.*" – "*Penalty for enrolling, &c. instrument not duly stamped*")

Abolition of Stamp Duty on Instruments affecting only intellectual property

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- 298 [AH21](#) The Comptroller's News and Notices press release announcing abolition of Stamp Duty (last updated 24-03-2000)
- 300 [AH22](#) Notice in Patents & Designs Journal 19th April 2000 (identical to Notice above)
- 301 [AH23](#) Notice in Trade Marks Journal 19th April 2000 (identical to Notice above) with covering email
- 303 [AH28](#) Section 126, chapter 17 schedule 34 Finance Act 2000 "*Stamp duty reduced in certain cases*"
- [304](#) Extract from HM Treasury Budget 2003 REV5 press release – abolition of Stamp Duty on book debts etc. on 1st December 2003
- [305](#) Extracts from the CIPA Journal commenting on Comptroller's Notices, above)
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Errors in the Manual of Patent Practice with respect to Stamp Duty

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- [308](#) Letter from the Comptroller to the Claimant dated 25-04-08 confirming that the Claimant was correct to point out to the Comptroller on 15th & 17th April 2008 that Stamp Duty was not abolished with respect to documents effecting mixed property transactions.
- [309](#) Letter from the Comptroller to the Claimant dated 17-06-08 making excuses for and denying the misrepresentation of the Stamp Duty position in the Manual of Patent Practice but nevertheless announcing his intention to delete the incorrect statement in s.126.01 and to set out the Stamp Duty position with respect to mixed-property transactions in s.32.09 thereof.

[311](#) Extract from the Manual of Patent Practice which was attached to the above letter of 17-06-08.

[312](#) The published explanation for changes made to the Manual of Patent Practice on 1st July 2008.

[314](#) Email from Mrs. Sarah Barker, for the Comptroller, dated 27-06-08, to the Claimant avoiding the compliance with the Claimant's email of 25-06-08 (also on the same page) requesting certified copies of s.32.09 and s.126, by claiming that no electronic version of the Manual of Patent Practice was published until 30 June 2006

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[316](#) Patent Office Website home page as at 25-02-1999 (printed from "waybackmachine" internet archive) showing that the site would be shut down on 27th and 28th February 1999 for essential maintenance (the addition and amendment of content)

[317](#) Patent Office Website Patents page as at 25-02-1999 (printed from "waybackmachine" internet archive) showing that there is no Manual of Patent Practice in the list of ten hyperlinks

[318](#) Patent Office Website Patents page as at 22-04-1999 (printed from "waybackmachine" internet archive) showing that there is now a hyperlink to the Manual of Patent Practice in the list of eleven hyperlinks.

[319](#) Extract from the Comptroller's spreadsheet of changes to the Manual of Patent Practice over the years, showing that changes were made with respect to Stamp Duty on 23-05-01. These changes can be seen in the following exhibits (below)

[320](#) Reduced-size extracts from Manual of Patent Practice s.126.01 from 1999, 2001 and 2008 showing changes with respect to Stamp Duty

[321](#) Reduced-size extracts from Manual of Patent Practice s.32.08 and s.32.09 from 1999, 2001 and 2008 showing changes to s.32.09 with respect to Stamp Duty.

[323](#) Full-sized reproductions of extracts from Manual of Patent Practice s. 126.01, s.32.08 and s.32.09 with respect to Stamp Duty at as 1999, 2001 and 2008

324 [AH24](#) H3-JK/p.324, MOPP s.126 as amended 23-05-01

325 [AH25](#) H3-JK/p.325, s.126.01 MOPP amended 01-07-08.

327 [AH26](#) H3-JK/p.327, s.32.09 MOPP as amended 23-05-01

328 [AH27](#) H3-JK/p.328, s.32.09 MOPP as amended 01-07-08.

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329 [AH44](#) Extract from CIPA Guide (“the Black Book”) s.30.10 “Stamp Duty” and larger-size reproduction of unclear paragraphs on [p.330](#). The Guide advises construction of transactions to settle and transfer property by separate instruments

Stamp Cases

331 AH4 Coflexip Stena Offshore Limited’s Patent [1997] RPC 179

342 Nutrinova v Arnold Suhr [2001] WL 1676817

See Authorities bundle (list of Authorities is at Appendix 2)

L. Asset-strippers' interference

Acquisition of Leaf Technologies Limited by asset-strippers via Sense-Sonic Ltd's Administrative Receivers in 2003

347 [AH38](#) Memorandum dated 11-09-03 from Nicholson Graham & Jones (Robin Tutty) to Brassington et al

[349](#) Article in the CIPA Journal February 2000 advising readers to construct transactions to settle and transfer property by separate instruments

[350A](#) Duly-Stamped Stock Transfer Form for purchase of Leaf Technologies Ltd by Elitesound Ltd ("Newco1") and covering email

Requirement for separate assignment of Debt, Goodwill and intellectual property rights

[351](#) Extract from a draft of the unstamped "*Agreement relating to the sale and purchase of certain assets*" dated 10-09-03 prior to Tutty's prescription of separate assignments in Clause 4.5

353 [AH43](#) Extract from a draft of the unstamped "*Agreement relating to the sale and purchase of certain assets*" dated 11-09-03 after Tutty's prescription of separate assignments in Clause 4.5(a)(i) and 4.5(a)(ii)

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M. Reasons for inadmissibility of the “Agreement relating to the sale and purchase of certain assets”; and other consequences of not executing prescribed assignments:

HM Revenue & Customs’ Decision

- [355](#) Decision of HM Revenue & Customs of 05-02-08 on Adjudication of the “*Agreement relating to the sale and purchase of certain assets*” dated 15-09-03, under s.12 Stamp Act 1891
- [356a](#) Decision of HM Revenue & Customs of 29-10-08 that the Comptroller has breached s.14 Stamp Act 1891 and is liable to penalty under s.17.
- [357](#) Extract of Finance Act 1999 – paragraph 19, schedule 13 – re: chargeable status of settlement agreements in cases where a separate instrument of transfer prescribed therein not been executed
- [359](#) Letter dated 03-08-07 to the Comptroller from Brassington’s second patent agents D. Young & Co. declaring that he (Brassington) had applied to HM Revenue & Customs for adjudication of the “*Agreement relating to the sale and purchase of certain assets*”. He had not.
- [360](#) Email dated 28-09-07 from HM Revenue & Customs to the Solicitors of Sense-Sonic Limited’s ex-Administrative Receivers asking for the original “*Agreement relating to the sale and purchase of certain assets*”.
- [361](#) Email dated 11-11-07 from HM Revenue & Customs to the Claimant confirming that Stamp Duty is chargeable

[362](#) Email dated 04-12-07 from HM Revenue & Customs to the Claimant stating that no date for completion of adjudication was yet known. The process took four months to complete, during which time Brassington's presentations to HM Revenue & Customs suffered deserved rejection.

Evidence of the intercompany debt owed to Sense-Sonic Ltd by Leaf Technologies Ltd being a trade debt, and not a capital loan as otherwise falsely claimed by Brassington

[363](#) Minutes of Sense-Sonic Ltd board meeting on 19-06-02 showing Galileo Innovation plc's securing of an overdraft facility for Sense-Sonic Ltd

[365A](#) Barclays Bank letter "Business Overdraft Facility", amount £2,267,000

[366](#) UK Activity Report showing that Sense-Sonic Ltd bought Leaf Technologies Ltd for £1,000,000 in 2002

[366a](#) Leaf Technologies Ltd home page – contract manufacturer

[366b](#) Glentronics Ltd home page – contract manufacturer

[367](#) Extract from due diligence report showing that there was no formal documentation in respect of the intercompany debt of £1,404,618.46 currently owed to Sense-Sonic Ltd by Leaf technologies Ltd

[368](#) Extract from Sense-Sonic Ltd's management accounts Balance Sheet as of 30-09-02 showing "intercompany account – Leaf £1,404,830.60"

[369](#) Eleven page spreadsheet "*Sense sonic Limited Leaf Intercompany Account*" printed at "1:21 PM 11/11/02 Accrual Basis" (Total on page 376, £1,964,757.96 on 27-09-02)

[377](#) Extract from Brassington's audited accounts for Glentronics Ltd (formerly Leaf Technologies Ltd) 2002 showing "Amounts owed to group undertakings £1,467,379" under "12 Creditors: amounts falling due within one year"

- [379](#) Extract from Brassington's audited accounts for Glentronics Ltd (formerly Leaf Technologies Ltd) 2003 showing "Amounts owed to group undertakings £1,557,224" under "13 Creditors: amounts falling due after more than one year"
- 381 [AH53](#) Email to the Claimant dated 03-04-08 from the Comptroller's Register Manager (appointed to act on his behalf in the matter of correction of the Registers) Mrs. Debbie Cooke confirming that the "*Agreement relating to the sale and purchase of certain assets*" dated 11-09-03 was sent as evidence of the assignment of the disputed registered rights
- 382 [AH52](#) Email to the Claimant dated 12-02-08 from Mrs. Debbie Cooke confirming that the Comptroller accepts that the "*Agreement relating to the sale and purchase of certain assets*" dated 11-09-03 is not an assignment. (See also p.117 para 15; p.122 para 6
- 383 [AH46](#) Email to the Claimant dated 06-10-06 from Begbies Traynor (Sense-Sonic Ltd's Administrative Receivers employer) confirming (in response to the Claimant's email, attached, and upon consulting its Solicitors, Turner Parkinson) that an assignment is necessary for title to pass and declaring that it was thought that no assignment had been executed
- 384 [AH50](#) Email to Sense-Sonic Ltd dated 26-06-07 (by which time the Claimant had been appointed as director) from Mr. James Robey of Wilson Gunn (formerly Wilson Gunn M'Caw) stating that he had never seen the complete "*Agreement relating to the sale and purchase of certain assets*"
- 385 [AH49](#) Email from Robin Tutty, Nicholson Graham & Jones dated 02-09-04 to Sense-Sonic Ltd's Administrative Receivers Stephen Conn & Andrew Dick referring in non-specific terms to the possible need for further documentation to complete registration of the transfer of intellectual property rights
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Brassington et al's false claims with respect to the execution of assignments and with respect to the Stamp Duty liability

- 386 [AH47](#) Extract from D. Young & Co.'s letter to the Comptroller of 05-10-06 giving reasons why Brassington should not have to disclose the prescribed assignments he claimed he had executed pursuant to executing the "*Agreement relating to the sale and purchase of certain assets*"
- 388 [AH48](#) Email from Brassington to the Comptroller dated 10-10-06 further claiming that he had executed assignments as proscribed (sic) in the "*Agreement relating to the sale and purchase of certain assets*"
- 390 [AH40](#) Email correspondence dated 31-07-07 to 13-08-07 between Brassington and Mr. Hanratty of HM Revenue & Customs Stamp Taxes wherein Brassington claimed that he was told by Tutty that the intercompany debt was a capital loan, exempt from Stamp Duty, and Mr. Hanratty asked Brassington to prove it was a capital loan by submitting the loan agreement setting out the specific terms which Brassington had simply quoted directly from the Stamp Taxes Manual
- (392 [AH39](#)) Email correspondence dated 31-07-07 from Brassington to Mr. Hanratty of HM Revenue & Customs Stamp Taxes wherein Brassington claimed that he was told by Tutty that the intercompany debt was a capital loan, exempt from Stamp Duty
- [393](#) Skeleton Argument of Brassington's companies Elitesound Ltd and Conversor Products Ltd for use on 09-08-07 in the High Court falsely claiming that he was advised by Tutty that Stamp Duty was not chargeable on the intercompany debt (paragraphs 14, **p.395** marked "A" and 16-18, [p.396](#) (**AH41**) marked "B" to "F")
- [400](#) Witness Statement of Jeremy Guy Brassington accompanying the above skeleton argument (paragraph 14, **p.402** [AH42](#) marked "A" & "B", paragraph 20, **p.403** [AH42](#) marked "C" & "D", and paragraph 21, **p.403** [AH42](#) marked "E") falsely claiming that he was advised that the intercompany debt was a capital loan, exempt from Stamp Duty.

- 405 [AH54](#) Email dated 16-10-07 from Brassington to Sense-Sonic Ltd and the Comptroller changing his (Brassington's) claim about the intercompany debt in the light of the exposed aforementioned Memorandum of 11-09-03, and declaring that he was advised in September 2003 that the "*Agreement relating to the sale and purchase of certain assets*" was chargeable with Stamp Duty but that Duty would only need to be paid if the Agreement was required "*as evidence in court proceedings*" (marked "A" to "C").
- 406 [AH55](#) Extract being the last six pages of Brassington's Counterstatement for Conversor Products Ltd in the unfinished matter of Rectification of the Trade Marks Register (marked paragraphs "A" to "W"), referred to in the Comptroller's letter of 08-10-08 (**H1-A/p.73**, marked) as being evidence of Brassington's claims that Stamp Duty is not chargeable on the agreement.
-

N. False registrations of change of proprietorship of Sense-Sonic Ltd's intellectual property rights

Instructions given for falsified applications for registration of change of proprietorship of Sense-Sonic Limited's intellectual property

[p412-420.PDF](#)

- 412 [AH14](#) Email dated 31-12-03 from Brassington to Robey of Wilson Gunn M'Caw introducing himself and requesting registration of Sense-Sonic Limited's IPR.
- [413](#) Email dated 14-01-04 from Robey of Wilson Gunn M'Caw to Brassington seeking payment and "*the original assignment documentation*", and offering to advise Brassington on the making of an application for registration of change of proprietorship in the name Conversor Products Limited (formerly Tonewear Ltd).
- 414 [AH51](#) Letter dated 23-01-04 from Brassington's Solicitors, Nicholson Graham & Jones, attempting to guide Robey to accept the enclosed unstamped, mutilated "*Agreement relating to the sale and purchase of certain assets*" as being evidence sufficient to establish an assignment, and enclosing copies of certificates of incorporation and change of name for Tonewear Ltd
-

Evidence that Robey/Wilson Gunn M'Caw were fully aware that Tonewear Ltd was not a legally designated name

[415](#) (415-420) Communications between Wilson Gunn M'Caw, Kuhnen & Wacker, and the European Patent Office ("EPO") dated 24-02-04, 20-09-04, 21-09-04, 16-09-04 (and certificate of incorporation on change of name), and 29-11-04, all showing that Wilson Gunn M'Caw pretended to be acting for Sense-Sonic Ltd before the EPO until 21-07-04.

Evidence that Wilson Gunn M'Caw were not authorised to sign the Patent Office application Forms for registration of change of proprietorship of the intellectual property

421 [AH45](#) Letter to the Claimant dated 07-05-08 from Turner Parkinson, Solicitors for Sense-Sonic Ltd's former Administrative Receivers, confirming that they could find no evidence to suggest the Wilson Gunn M'Caw were ever instructed by them to act on behalf of Sense-Sonic Ltd

[422](#) (422-428) Extract from the CIPA Guide ("the Black Book") with respect to the prescribed method of formal appointment and registration of an agent (marked sections "A" to "E").

[429](#) (429-433) Power of Attorney showing the Claimant's appointment of Wilson Gunn & Ellis on 14-02-1992 as agents for the Claimant and Select Hearing Systems Ltd *"in connection with the international application concerning an improved hearing aid system"*.

[430](#) Defects Notice from World Intellectual Property Organization as evidence of joint application (the Claimant and Select Hearing Systems Limited) for international patents.

[431](#) Email from the Comptroller confirming that Rule 90, PCT Rules under which the appointments of agent were made had not changed since 14-02-1992.

[432](#) Rule 90, PCT Rules, Agents and Common Representatives under which the Power of Attorney was signed on 14-02-1992.

[434](#) (434-441) Patent Office documents for the purposes of appointing and registering an Agent (never used by Wilson Gunn M'Caw in respect of the intellectual property rights) – the Forms 51/77 (in respect of Patents), DF1A (in respect of Designs) and TM33 (in respect of Trade Marks) together with the guidance notes, of the time, for completing each Form.

(END OF BOOK FOUR)

BOOK FIVE

www.theinventivesteps.co.uk/book5.pdf

PAGES HEADINGS AND CONTENTS

O. Patent Practice – Register Administration

Patent Register Administration guidelines, Act 1977 & Rules 1995

442 [AH30](#) Extract from the (patents) “Assignments Section – Guidelines for A3s/B1” stating (i) that the standard letter confirming registration must always raise the question of who should be the Address for Service in the future, and (ii) that accompanying documentary evidence is not required to prove the assignment if all the parties to the transaction, including the registered proprietor, have signed the Form 21/77.

[443](#) Extract from the “*Patents Assignments Desk Notes, pre March 2000*” setting out the former Stamp Duty/Assignment regime which continues to apply to the registration of mixed-property transactions effected on or after 28th March 2000 (and to all transactions effected prior to 28th March 2000) and which prescribes presentation to HM Revenue & Customs of documents which neither present the monetary consideration nor a certificate of value.

444 [AH3](#) Extract from the “*Patents Assignments Desk Notes, 15.06.2005*” stating, among other things, that (i) the Comptroller can be fined and a registration can be struck off if the Comptroller accepts a document which is not duly Stamped – **p.444 “A”**; (ii) both the signatures of the assignor and the assignee should be present on “the evidence” - **p.445 “C”**; (iii) if the Form 21/77 is filed correctly (as duly signed evidence) the Comptroller can ignore the accompanying documentary evidence – **p.445 “D”**.

([23-09-08 pdf of 2005 Notes](#)) ([02-09-08 pdf of 2007 notes](#))

NOTE THAT the pdf of 2007 notes disclosed to the Andrew Hall by the Comptroller and by the Information Commissioner is not the same as the 2007 Desk Notes discovered by the Information Commissioner’s Investigators on 20-05-09 – the pdf was created from a different Word Document on a different computer to that inspected by the Investigators.

446 ([AH17](#)) Patents Register Administration Desk Notes 15-06-05 – step-by-step instructions for recording a straightforward assignment on the OPTICS system.

447 [AH5](#) 469 Extract from the “*Reg Admin Desk Notes, 1st August 2007*”, being a modified version of the above 15.06.2005 Desk Notes, revised by Mr. Steven Adkins.

Page 470 of the “*Reg Admin Desk Notes, 1st August 2007*”, section 4.13 “Trading as”, declares in bold text on **p.471** that “*A corporate body (such a Conversor Products Limited) should be designated by its legal name.... a former name (such as Tonewear Limited) is not required and should not be given*”.

[472](#) Patent Office guidance notes on completing a Patents Form 21/77 and applying for registration of a transaction, such as an assignment, as at 4th July 2003 (p.472 “D”) and as at 30th September 2004 (p.473 “D”) (to show what applied as at 20th September 2004).

[474](#) Archive webpage from the Patent Office website (last updated 4th October 2004) showing that the Patents Rules 1995 were amended on 22nd September 2004 – i.e. after registration of change of proprietorship of the Patent GB2267412 on 20th September 2004;

[475](#) Reproduced for convenience, Rule 4, Patents Rules 1995 as at 20th September 2004.

PQ. False registration of Tonewear Ltd as proprietor of Sense-Sonic Ltd’s Patent No. GB2267412

[476](#) Letter from Comptroller to the Claimant dated 25-07-05 confirming that when he records a transaction on the Register he sends out a confirmation letter with a copy of the Register and seeks notification if any mistakes have been made

477 [AH15](#) Wilson Gunn M’Caw’s request to the Comptroller dated 09-09-04 for registration of change of proprietorship of Sense-Sonic Limited’s Patent GB2267412 by virtue of a Form 21/77 and an accompanying unstamped document (**H5-T/p.508-520**).

- 478 [AH10](#) Form 21/77 dated 09-09-04 bearing the unauthorised signature of Wilson Gunn M'Caw.,
- [480](#) Certification of the *"copy of an extract of a certified copy of the agreement dated 15th September 2003"* by David Austin Slattery of Wilson Gunn M'Caw
- 481 [AH29](#) "SINGLE PUBLISHED", non-standard "confirmation letter" from the Comptroller dated 20-09-04 **(i)** confirming registration of change of proprietorship, **(ii)** seeking notification of any errors.
- 482 [AH13](#) Copy of an extract from the Register of Patents for GB2267412 showing that the Comptroller had not in fact registered a Form 21/77 and necessary documentary evidence .
-

R. Designs Practice – Register Administration

Designs Register Administration guidelines, Desk Notes, Act 1949 & Rules 1995

[484](#) The Comptroller's published guidance notes on completing a Designs Form DF12A for registration of a transaction, such as an assignment, under the former Stamp Duty regime which applies to all transaction effected before 28th March 2000 and to all mixed-property transactions effected on or after 28th March 2000.

487 [AH2](#) Extract from the Comptroller's Designs Desk Notes DRN 8/96 setting out the former Stamp Duty regime (the tests to which application Forms DF12A and accompanying documents must be subjected) which applies to all transactions effected before 28th March 2000 and to all mixed-property transactions effected on or after 28th March 2000.

[492](#) Example of the Form DF12A from Schedule 1, Registered Designs Act 1949 (rule 4 refers)

False registration of Tonewear Ltd as proprietor of Sense-Sonic Ltd's Designs No. 2022759 and 2027609

Note: The Comptroller states that he is bound by the Act and Rules not to release any documents in relation to registration of change of proprietorship of the abovementioned Registered Designs

S. Trade Marks Practice – Register Administration

Designs Register Administration guidelines, Act 1994 & Rules 2000

- [493](#) Letter from the Comptroller to the Claimant dated 14-03-08 setting out his views on the signatories of (i) the Form TM16 signed and sent to him on 31-05-01 by Wilson Gunn M'Caw; and (ii) the Form TM16 signed and sent to him on 17-09-04 by Wilson Gunn;
- [494](#) Reproduced for convenience, Section 25 Trade Marks Act 1994 – registration of transactions
- [496](#) Reproduced for convenience, Rule 41 Trade Marks Rules 2000 – application to register transactions
- [497](#) Patent Office Website guidance under the former Stamp Duty regime which applies to all transactions effected prior to 28th March 2000 and to all mixed-property transactions effected on or after 28th March 2000 – *“How to assign your Trade Mark”* - last updated 23-05-1997
- [498](#) Patent Office Website guidance (last updated 14-08-2000) published after the abolition of Stamp Duty on transactions affecting only intellectual property.
- [500](#) Extract from Chapter 17 – Register Administration – of the Trade Marks Registry Work Manual, May 2000 stating, at “A” that the new owner must apply, and at “B” that Stamp Duty may be applicable to transactions effected prior to 28th March 2000
- [502](#) Extract from Trade Marks Register Administration Desk Notes, January 2003, stating, at “A” that Stamp Duty may be applicable to transactions effected prior to 28th March 2000, and at “B” to check that box 8 (TM16(REV1) only) is completed, and at “C” that both parties have signed the Form TM16 or have submitted documentary evidence to support the transaction
-

**T. False registration of Tonewear Ltd as proprietor
of Sense-Sonic Ltd's Trade Mark No. 1488225
"Conversor®"**

[\(p504-522.PDF\)](#)

- [504](#) Letter from Wilson Gunn M'Caw to the Registrar (the Comptroller) dated 16-09-04 requesting registration of change of proprietorship of Sense-Sonic Limited's Trade Mark No. 1488225 and enclosing a Form TM16(REV2) and "a certified copy of an extract of an agreement.."
- 505 Trade Marks Form TM16 signed by Wilson Gunn M'Caw, who was not an Agent of the proprietor Sense-Sonic Limited and should not therefore have signed a TM16 in its name (**H4-N/p.421**)
- 507 Certification of the *"copy of an extract of a certified copy of the agreement dated 15th September 2003"* by David Austin Slattery of Wilson Gunn M'Caw (note Mr. Robey of Wilson Gunn M'Caw Gunn claims he has never seen the complete document (**H4-M/p.384**)).
- 508 **Inadmissible document ("I.D.1") for inspection by this honourable Court under s.14(1) Stamp Act 1891 (c.33)** for the purposes of establishing the chargeable status of the document with respect to Stamp Duty and thereby determining whether the document may be used in evidence in the instant proceedings.
- 521 The Comptroller' *"Assignment Check List , sequence number 57531, date received 17/9/04"* for the registration of change of proprietorship of Sense-Sonic Limited's Trade Mark No. 1488225
- 522 Letter from the Comptroller to Wilson Gunn M'Caw dated 29-09-04 confirming that they (Wilson Gunn M'Caw) had successfully procured an Assignment Certificate in the false name Tonewear Limited.

(END OF BOOK FIVE)

BOOK SIX

www.theinventivesteps.co.uk/book6.pdf

PAGES HEADINGS AND CONTENTS

UV. Claimants Complaint of 22-09-04 by telephone and of 24-09-04 by email

- [523a-h](#) Claimant's itemised telephone bill showing calls to Steven Adkins' (Assignments Officer for the patent registration) direct line at the Patent Office, Newport
- [523i](#) Email from Claimant to the Patent Office 23-09-04 seeking registration of change of address of Northern Light Music Limited.
- [524](#) Email from Claimant to the Patent Office 24-09-04 complaining of the lack of evidence of assignment.
- [525](#) Email response to the Claimant's complaint, with attachments.

W. Registration of change of name of registered proprietor of the Patent GB2267412

- [529](#) Letter from Mr. James Robey of Wilson Gunn M'Caw to the Comptroller dated 18-11-04 declaring that the name of "the proprietor" of the Patent GB2267412 "*has changed to Conversor Products Limited*" and enclosing a Form 20/77 and what Mr. Robey called "*a certified copy of a change of name certificate issued by Companies House*".
- [530](#) Patents Form 20/77 signed "Wilson Gunn M'Caw" by Mr. James Robey on 18-11-04 requesting registration of the change of name of Tonewear Limited to Conversor Products Limited.

- [531](#) Certificate issued by Companies House on 29th October 2004 at the request of Mr. James Robey of Wilson Gunn M'Caw for use in place of the Certificate of Incorporation on Change of Name (used in overseas applications).
- 532 [AH32](#) Standard Letter from the Comptroller dated 16-12-04 confirming registration of the above transaction and containing the standard question mandated in the Assignments Section Guidelines for A3s/B1 (**H5-O/p.442 "A"**) with respect to the recipient's status and registration as mere Address for Service.
-

X-Z. FALSIFICATION OF THE REGISTER

Evidence of the falsely-registered proprietor's false claims under statement of truth, false claims of registered trade mark rights, false claims of patent rights, false company accounts, false claims to the Comptroller, bogus Company Arrangement with creditors

- [536](#) Extract from the CIPA Guide re; Falsification of the Register, s.109 Patents act 1977.
- [537](#) Brassington's falsified witness statement JB1 - false claim with respect to the manufacture and sale of Conversors marked "A".
- [538](#) Brassington's replacement witness statement JB2 – amended claim marked "A".
- [541](#) Extract from Brassington's second counterstatement in Entitlement Proceedings claiming at "A" that the royalties due to Conversor Products Limited
- [543](#) Letter to the Claimant from Lancashire Trading Standards confirming at "A" that Brassington's claims under caution contradicted his claims in his witness statement, and confirming at "B" that it does seem as if offences have been committed by Brassington.

- [545](#) Letter to the Claimant from Lancashire Trading Standards regarding allegations of continued use of the offending publicity material in Bromley in 2006.
- [546](#) Letter from the Comptroller to the Claimant dated 27-09-05 confirming that Brassington's registered trade mark claims in respect of the Listenor and the Director were false.
- [547](#) Letter from the Comptroller to the Claimant dated 07-11-05 confirming that Brassington had agreed to correct his false claims.
- [548](#) Letter from the Comptroller to the Claimant dated 12-07-05 claiming that after careful consideration it appears that no Action can be taken against Brassington under sections 109 to 113 of the Patents Act 1997 in respect of his false claims of patent and registered trade mark rights.
- [549](#) Letter to the Claimant dated 02-05-07 from Companies House confirming that Brassington faced prosecution of he did not file the withheld accounts for Conversor Products Limited.
- [550](#) Brassington's withheld accounts, signed by him on 24th January 2007.
- [551](#) Three letters from Companies House to the Claimant regarding Brassington's false accounts.
- [554](#) Letter from the Comptroller to Brassington apologising for not being able to consolidate the various claims Brassington had chosen to defend.
- [555](#) Extract from a letter from Brassington to the Comptroller dated 21st December 2007.
- [556](#) Extracts from Conversor Products Limited's Company Voluntary Arrangement dated 06-12-07.
- [557](#) Snoop Report (23 pages) listing over forty companies asset-stripped by Brassington in recent years.

(END OF BOOK SIX)

BOOK SEVEN

www.theinventivesteps.co.uk/book7.html (with hyperlinks)

www.theinventivesteps.co.uk/book7.pdf (without hyperlinks)

PAGES	HEADINGS AND CONTENTS
585	Index for Patents, Designs and Trade Marks Acts and Rules
586	Full index, and relevant sections of the Patents Act 1977.
607	Full Index, and relevant rules from the Patents Rules 1995 as at 20-09-04.
621	Full index, and relevant sections of the Registered Designs Act 1949.
634	Full Index, and relevant rules from the Registered Designs Rules 1995 as at 24-09-04.
645	Full index, and relevant sections of the Trade Marks Act 1994.
661	Full Index, and relevant rules from the Trade Marks Rules 2000 as at 27-09-04.
673 (AH35)	Rule 52 Trade Marks Rules, Agents.

(END OF BOOK SEVEN)

BOOK EIGHT

www.theinventivesteps.co.uk/book8.pdf

PAGES HEADINGS AND CONTENTS

[675A](#) (675A-743) PDDb – 1995-2005 Assignments Desk Instructions index.

681 “assignments”

683 “what do we need to register a licence. See paragraph 6 for instruction to hide main agreements in a NOPI (NOT FOR PUBLIC INSPECTION) “pink jacket”

686 “Patents Fact Sheet: Licence”.

690 “Booking in”

692 “Register the filing of 20/77 and 21/77”

693-743 Remainder of the 1995-2005 Desk Instructions

TO ACCESS THE FOLLOWING HYPERLINKS USE www.theinventivesteps.co.uk/evidence.pdf

For a full copy of the 1995 -2005 Desk Instructions [click here](#)

For a full copy of the 15-06-05 Desk Notes disclosed to Andrew Hall by IPO [click here](#)

For a full copy of the 15-06-05 Desk Notes disclosed to ICO by IPO [click here](#)

For a full copy of the 01-08-07 Desk Notes disclosed to Andrew Hall by IPO [click here](#) (this is Pat Ass DN Ver3, which did not in fact exist on 01-08-07)

For a full copy of the 01-08-07 Desk Notes discovered at IPO by the ICO [click here](#) (this is Pat Ass DN Ver2, which did exist on 01-08-07)

For a full copy of the 01-08-07 Desk Notes prior to 28-07-07 as discovered by the ICO at the IPO [click here](#) (“DESK NOTES 1”)

There is no electronic master or copy of the printed Ver3 Desk Notes issued to Andrew Hall by ICO on 22-06-09 other than those held by ICO and IPO under the file name Pat Ass DN Ver 3.doc, which the ICO concealed and which the ICO and IPO refuse to disclose (on account of the alteration date of §2.02(5) being contained therein)

(END OF BOOK EIGHT)

BOOK NINE

www.theinventivesteps.co.uk/book9.pdf

PAGES HEADINGS AND CONTENTS

INFORMATION COMMISSIONER

- 744 05-02-09 email from ICO to Andrew Hall re: §77 FOIA
- 745 23-02-09 letter from Andrew Hall to ICO
- 748 23-02-09 attachment to letter from Andrew Hall to ICO
- 751 04-03-09 emailed letter from Andrew Hall to ICO with ICO email of 03-03-09 attached
- 754 13-03-09 email from Andrew Hall to ICO following meeting with ICO on 13-03-09
- 756 13-03-09 email from Andrew Hall to ICO forwarding FOI requests B003-B-010 and referring ICO to B004
- 759 13-03-09 email from Andrew Hall to ICO forwarding FOI request B021 and referring ICO to B021(9)
- 762 13-03-09 email from Andrew Hall to ICO forwarding FOI requests B022 and referring ICO to B022
- 763 30-03-09 email from Andrew Hall to ICO re: s.77 and further suspect alteration
- 766 03-04-09 email from ICO to Andrew Hall - re: notifying the Comptroller of the complaint
- 767 05-05-09 covering email from Andrew Hall to ICO – re: summary of s.77 matter with latest evidence
- 769 05-05-09 email attached to the above covering email from Andrew Hall to ICO – re: summary of s.77 matter with latest evidence
- 775 22-05-09 email from Andrew Hall to ICO to counter ICO's verbal claims of 22-05-09 that there was no evidence of intentional concealment of Desk Notes by the Comptroller and requesting sight of documents discovered by the ICO at the IPO on 20-05-09
- 779 24-05-09 email from Andrew Hall to ICO attaching extracts from the Comptroller's Review of 12-05-09 to support claims of concealment and substitution of Desk Notes
- 781 24-05-09 attachment to the above email - extracts from the Comptroller's Review under FOIA dated 12-05-09
- 783 26-05-09 email from Andrew Hall to ICO forwarding his emails to the Comptroller of 04-09-08 and 02-09-08 and 20-08-08
- 787 27-05-09 email from ICO to Andrew Hall enclosing pdf versions (3) of 2007 Desk Notes

- 788 08-06-09 email from Andrew Hall to ICO requesting the date upon which the 2007 Desk Notes (ver3) were altered by the Comptroller.
- 790 08-06-09 attachment to above email – ICO EVIDENCE EXTRACT 08-06-09 + notes.pdf
- 807 15-06-09 email from ICO to Andrew Hall confirming that Andrew Hall's email of 08-06-08 had been read and its contents noted
- 808 22-06-09 letter from ICO to Andrew Hall setting out the Information Commissioner's Decision to close the §77 investigation and enclosing four printed copies of IPO Desk Notes MISSING
- 811 24-06-09 email from Andrew Hall to ICO requesting the 2005 Desk Notes and the relevant email from IPO to ICO therewith and pointing out that the ICO's printed copy of Ver 3 Desk Notes was not the same as the IPO's printed copy of Ver 3 Desk Notes
- 812 24-06-09 email from Andrew Hall to ICO responding, by complaint, to the IC's Decision of 22-06-09
- 815 24-06-09 email from Andrew Hall to ICO attached to the above email of 24-06-09
- 821 24-06-09 email letter from ICO to Andrew Hall confirming that Andrew Hall's email and attached letter of 24-06-08 had been read and their contents noted
- 822 25-06-09 email from ICO to Andrew Hall avoiding answering Andrew Hall's question as to how the ICO came by the "created dates" for the Desk Notes which were set out in the ICO's Decision of 22-06-09
- 823 26-06-09 email from Andrew Hall to ICO comprising a detailed complaint with respect to the terminated §77 investigation, accompanied by supporting documentary evidence CONTAINS REF TO JUDICIAL REVIEW AND KEEPING COSTS DOWN
- 864 08-07-09 email from Andrew Hall to ICO setting out the facts and warning against publishing a Decision clearing the Comptroller of wrongdoing
- 867 16-07-09 email from Andrew Hall to ICO reporting that the pdf and printed Desk Notes of the 2005 Desk Notes and the Ver 3 2007 Desk Notes sent to Andrew Hall by the ICO on 27-05-09, 22-06-09 and 24-06-09 were not created from the same Microsoft Word documents which created the 2005 and 2007 pdf Desk Notes sent to Andrew Hall by the Comptroller on 02-09-08 and 08-10-08, and seeking proof of what Desk Notes files were emailed to the ICO by the Comptroller on 20-05-09
- 869 19-07-09 email from Andrew Hall to ICO upon discovery that the ICO did in fact have the Word Documents of the IPO Desk Notes, but had concealed them and had substituted the Ver3 pdf for the Ver 3 Word Document in order to keep the alteration date information from Andrew Hall
- 871 19-07-09 email letter from Andrew Hall to ICO attached to the above email of 19-07-09 demonstrating the ease with which date information can be recovered from a Word Document and re-stating evidence of alteration of Ver 3 Desk Notes after the date claimed by the ICO in its Decision of 22-06-09
- 878 20-07-09 email from ICO to Andrew Hall making false claims with respect to the investigation and the FOIA 2000, advising application for a court order and refusing to communicate any further in the matter of the §77 investigation

- 880 20-07-09 email from Andrew Hall to ICO accusing ICO of perverting the course of justice by concealing the Word Documents containing evidence of alteration and substitution in breach of §77 FIOA
- 884A 21-07-09 email from Andrew Hall to ICO ensuring that the CEO of the ICO was personally aware of his perverse conduct and unlawful concealment of evidence and requesting a review of the Decision issued in the ICO's email dated 20-07-09
- 884B 23-07-09 letter from ICO confirming Andrew Hall's request for a review of the decision notified to him on 21-07-09
- 888 21-07-09 emailed letter from Andrew Hall to ICO requesting a Review of the Decision of 19-07-09
- 891 24-07-09 email from Andrew Hall to ICO seeking the true creation dates of the Desk Notes and reminding the ICO of its duty to establish those dates
- 892 24-07-09 email letter from Andrew Hall to ICO attached to the above email dated 24-07-09
- 894 27-07-09 email from Andrew Hall to ICO forwarding various communications
- 896 27-07-09 email from Andrew Hall to ICO informing of IPO's intention to increase registration renewal fees (renewal fees being the motive behind the Comptroller's fraudulent practices with regard to documentary evidence of transfer of IPR) and requesting the missing Decision Notice with regard to the Comptroller's failure to disclose what was requested
- 898 27-07-09 email from Andrew Hall to ICO forwarding IPO's consultation notice with regard to increasing registration renewal fees
- 899 27-07-09 email letter from Andrew Hall to ICO restating the issues
- 905 11-08-09 email from ICO to Andrew Hall to ICO confirming receipt of Andrew hall's email of 10-08-07, which is attached thereto
- 917 03-09-09 email from Andrew Hall to ICO seeking action
- 919 04-09-09 email from ICO Andrew Hall being the Final Decision on Review of the §77 investigation, claiming that the ICO was unable to gather sufficient evidence and that the case was closed and remains so
- 921 08-09-08 email from Andrew Hall to ICO requesting the Word Document (Pat Ass DN Ver 3.doc) for which there was no electronic pdf copy
- 923 29-09-09 email from Andrew Hall to ICO seeking action
- 925 13-10-09 email from Andrew Hall to ICO - notice to preserve evidence (the Word Documents – the concealed IPO Desk Notes), seeking confirmation (which was not given)
- 927 10-11-09 email from Andrew Hall to the Comptroller, HMRC, Information Commissioner and the Attorney General giving 21 days notice of intention to apply for Judicial Review and attaching an informative letter addressed to the Comptroller including a part 36 offer

ATTORNEY GENERAL

- 929 15-04-09 email from Andrew Hall to Attorney General seeking action against the Comptroller under paragraph 13 §114 Finance Act 1999
- 932 16-04-09 email from Andrew Hall to Attorney General with confirmation email from Attorney General dated 16-04-09 attached
- 933 16-04-09 email from Attorney General to Andrew Hall requesting further information
- 934 20-04-09 email from Andrew Hall to Attorney General setting out the allegations of fraud
- 937 30-04-09 from Attorney General to Andrew Hall confirming the next step
- 938 01-05-09 email from Andrew Hall to Attorney General providing full details of the fraud, including a link to the evidence and statement provided to HMRC on 05-11-08 by Andrew Hall
- 943 15-05-09 email from Andrew Hall to Attorney General
- 945 15-05-09 email from the Attorney General to Andrew Hall promising to answer Andrew Hall's question early in the next week
- 946 31-07-09 email from Andrew Hall to Attorney General requesting a progress report
- 947 26-10-09 email from Andrew Hall to Attorney General sent with an attached letter of complaint and a FOI request (below)
- 948 26-10-09 emailed letter from Andrew to Attorney General complaining about the withholding of formal confirmation of HMRC's decision with respect to §114 Finance act 1999 and a request for full details relating to that Decision under FOIA
- 952 27-10-09 letter, with attachments, from Andrew Hall to Attorney General (emailed on 29-10-09 due to lack of internet access) re FOI request of 26-10-09 (this was not dealt with in the response of 24-11-09)
- 956 27-10-09 email from Attorney General to Andrew Hall confirming receipt of the FOI request dated 26-10-09
- 957 28-10-09 email from Andrew Hall to Attorney General with attachment from §109 CIPA Guide complaining about the withholding of a formal response and requesting immediate confirmation of HMRC's Decision
- 961 03-11-09 email from Andrew Hall to Attorney General requesting immediate confirmation of HMRC's Decision and objecting to re-opening of communications between the Attorney General and HMRC so long after the issue of the Decision by HMRC
- 963 10-11-09 email from Andrew Hall to Attorney General, HMRC, the Comptroller and the Information Commissioner by way of pre-action protocol, serving 21 days notice of intention to apply for Judicial Review and accompanied by a letter setting out the matter and an offer to settle under Part 36 CPR. A copy of the Law Society's email of 26-03-09 with respect to deceit in matters of Stamp Duty was attached thereto.

- 966 09-11-09 letter from Andrew Hall to the Comptroller also sent to the Attorney General, HMRC and the Information Commissioner as information together with the above email of 10-11-09
- 975 24-11-09 letter for Attorney General to Andrew Hall - FOI response
- 978 25-11-09 email from Andrew Hall to Attorney General informing her of the pointlessness of seeking a review of her response under FOA, given the circumstances of the Information Commissioner's existing involvement in the matter and the impossibility of procuring a fair hearing

HM REVENUE & CUSTOMS

- 980 20-08-08 email from Andrew Hall to HMRC
- 981 20-08-08 email from Andrew Hall to HMRC
- 983 19-09-08 email from Andrew Hall to HMRC
- 986 08-10-08 email from Andrew Hall to HMRC
- 987 21-10-08 email from Andrew Hall to HMRC with attachments (below)
- 990 21-10-08 attachment to email from Andrew Hall to HMRC dated 21-10-08
- 1011 29-10-08 email from Andrew Hall to HMRC
- 1012 05-11-08 email from Andrew Hall to HMRC with attachments (below)
- 1013 05-11-08 statement from Andrew Hall to HMRC re: falsification of the Registers and Stamp Duty fraud (footnotes identify evidence page numbers herein)
- 1030 05-11-08 index of exhibits to accompany the above statement
- 1035 06-11-08 email from Andrew Hall to HMRC setting out mechanics of Adjudication, FOI requests and matters relating to penalties under §17 Stamp Act 1891
- 1040 06-11-06 email from HMRC to Andrew Hall acknowledging 06-11-08 email from Andrew Hall
- 1041 12-11-08 letter from HMRC to Andrew Hall: FOI response to 22-10-08 request
- 1043 19-11-08 email from Andrew Hall to HMRC
- 1045 21-11-08 email from HMRC to Andrew Hall noting the above
- 1046 21-11-08 email from Andrew Hall to HMRC
- 1048 21-11-08 email from HMRC to Andrew Hall
- 1049 26-11-08 email from HMRC to Andrew Hall
- 1050 02-12-08 email from Andrew Hall to HMRC

1052 02-12-08 letter from HMRC to Andrew Hall – FOI response to 06-11-08 request

1054 12-12-08 email from Andrew Hall to HMRC - complaint

1056 23-12-08 email from HMRC to Andrew Hall acknowledging complaint of 12-12-08

1057 23-12-08 email from Andrew Hall to HMRC – complaint

1059 07-01-09 email letter from HMRC to Andrew Hall misrepresenting the complaint of 23-12-08

1060 07-01-09 email from Andrew Hall to HMRC - complaining about HMRC's response of 07-01-09

1062 26-01-09 email letter from HMRC to Andrew Hall – misrepresenting Andrew hall's complaint of 12-12-08

1063 26-01-09 email from Andrew Hall to HMRC – complaint about above response of 26-01-09

1065 29-01-09 email letter from HMRC to Andrew Hall proposing a meeting

1066 29-01-09 email from Andrew Hall to HMRC agreeing to a meeting

1068 02-02-09 email from Andrew Hall to HMRC with attachments

1078 05-02-09 email letter from HMRC to Andrew Hall – re proposed meeting

1079 06-02-09 email from Andrew Hall to HMRC

1082 10-02-09 email from Andrew Hall to HMRC

1084 19-02-09 email from Andrew Hall to HMRC

1090 19-02-09 email from Andrew Hall to HMRC

1092 23-02-09 email from Andrew Hall to HMRC

1094 26-02-09 email from Andrew Hall to HMRC

1096 27-02-09 email from Andrew Hall to HMRC

1099 03-03-09 email from Andrew Hall to HMRC wrong way round

1017 04-03-09 email from Andrew Hall to HMRC

1109 06-03-09 email from Andrew Hall to HMRC

1111 06-03-09 email from Andrew Hall to HMRC

1112 09-03-09 email from Andrew Hall to HMRC

1118 09-03-09 email from Andrew Hall to HMRC

1120 09-03-09 email from Andrew Hall to HMRC – data protection act

1121 16-03-09 email from Andrew Hall to HMRC – data protection act

- 1123 18-03-09 email from Andrew Hall to HMRC – re misrepresentation of Andrew Hall's complaint
- 1126 24-03-09 email letter from HMRC to Andrew Hall – FOI response to request of 25-02-09
- 1128 24-03-09 email letter from HMRC to Andrew Hall – FOI response to request of 12-03-09
- 1132 24-03-09 email from Andrew Hall to HMRC - re: the above FOI responses
- 1135 26-03-09 email from HMRC to Andrew Hall – re: the above FOI responses
- 1136 26-03-09 email from Andrew Hall to HMRC – re: the above FOI responses
- 1140 06-04-09 email from HMRC to Andrew Hall - agreeing to review the FOI responses by 22-04-09
- 1141 06-04-09 email from Andrew Hall HMRC - re FOI Review
- 1142 08-04-09 email from Andrew Hall to HMRC – complaint and proceedings
- 1148 08-04-09 email from Andrew Hall to HMRC - proceedings
- 1149 10-04-09 email from Andrew Hall to HMRC sent 12-04-09 with attachments (p.1155 to – 1157) pre-action protocol
- 1158 15-04-09 email from Andrew Hall to HMRC – pre-action protocol
- 1162 16-04-09 email from Andrew Hall to HMRC – data protection and FOI
- 1165 16-04-09 email HMRC to Andrew Hall – data protection
- 1166 16-04-09 email from Andrew Hall to HMRC pre-action protocol
- 1169 21-04-09 email from HMRC to Andrew Hall – failed to complete the FOI Review in time and Claiming a further 15 days to be necessary
- 1170 21-04-09 email from Andrew Hall to HMRC objecting the the 15 day extension and terminating the Review on grounds that the concealed information had been discovered at the IPO, proving its existence
- 1173 23-04-09 email from HMRC to Andrew Hall acknowledging termination
- 1174 23-04-09 email from Andrew Hall to HMRC - re FOI Review being bogus
- 1176 23-04-09 email from Andrew Hall to HMRC – re Adjudication, seeking a Formal Notice
- 1178 29-04-09 email from Andrew Hall to HMRC - seeking response to earlier request re Adjudication
- 1180 04-05-09 email from Andrew Hall to HMRC – re data protection and data privacy
- 1182 06-05-09 email from Andrew Hall to HMRC – re-sending past emails from HMRC – pre-action protocol
- 1184 06-05-09 email from Andrew Hall to HMRC – resending past emails from HMRC – pre-action protocol

- 1187 15-05-09 email from Andrew Hall to HMRC – data protection and FOI
- 1194 28-05-09 email from Andrew Hall to HMRC – forged Desk Notes and Adjudication
- 1197 17-06-09 email from Andrew Hall to HMRC and Jeremy Guy Brassington – re: the 15-09-03 unstamped sale agreement and Adjudication, to which neither responded. Sent with attachments.
- 1217 25-06-09 letter from HMRC's Solicitor to Andrew Hall claiming that the certified copies of the 15-09-03 sale agreement are potentially fraudulent and cannot be subjected to Adjudication
- 1219 01-07-09 email from Andrew Hall to HMRC re HMRC's Solicitor's letter dated 25-06-09
- 1221 10-11-09 email from Andrew Hall to HMRC - pre-action protocol re: Application for Judicial Review

THE COMPTROLLER

- 1223 19-11-09 letter from the Comptroller to Andrew Hall in response to the notice of intention to apply for Judicial Review
- 1225 19-11-09 letter from the Comptroller to Andrew Hall rejecting the Part 36 Offer and not making any counter offer

END